## ELECTION ASSISTANCE COMMISSION

### Publication of State Plans Pursuant to the Help America Vote Act

**AGENCY:** U.S. Election Assistance Commission (EAC).

**ACTION:** Notice.

**SUMMARY:** Pursuant to sections 254(a)(11)(A) and 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** material changes to HAVA State plans previously submitted by Arkansas, Illinois, Nebraska and North Dakota.

**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). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates.

The submissions from Arkansas, Illinois, Nebraska and North Dakota address material changes to the original State plans and, in accordance with HAVA section 254(a)(12), provide information on how the State succeeded in carrying out the previous State plan. Arkansas has received its 2003 and 2004 HAVA requirements payments, but is submitting updates to its previous State plan, primarily to address a change in the State's plans for procuring HAVA compliant voting systems. Illinois and North Dakota are submitting material changes to their previous State plans that address, among other matters, the expected 2004 HAVA requirements payments, which is a prerequisite to receiving these funds. (Illinois' certification for its 2003 requirements payment is pending; North Dakota has received its 2003 requirements payment.) Nebraska has received its 2003 HAVA requirements payment but is submitting material changes, among which are those addressing the increased amount of the 2004 requirements payment expected by the State and an increase in the amount set aside by the State for the 5% match, required by HAVA section 253(b)(5) to receive such funds.

Upon the expiration of 30 days from December 22, 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), Illinois and North Dakota also may file a statement of certification to obtain the fiscal year 2004 requirements payments for which the States did not previously qualify under HAVA section 253(b)(1) and Nebraska may also file a statement of certification to obtain its fiscal year 2004 payment for which it did not previously qualify under HAVA section 253(b)(5). These statements 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.

EAC notes that plans published herein include only those that have already met the notice and comment requirements of HAVA section 256, as required by HAVA section 254(a)(11)(B). EAC wishes to acknowledge the effort that went into the revising the State plans and encourages further public comment, in writing, to the chief election official of the individual States at the address listed below.

**Chief State Election Officials**

*Arkansas*

The Honorable Charlie Daniels, Secretary of State, 256 State Capitol Bldg, Little Rock AR 72201, Phone: 501–682–1010, Fax: 501–682–3510, E-mail: *ElectionsEmail@sosmail.state.ar.us*

*Illinois*

Daniel W. White, Executive Director, State Board of Elections, 1020 S. Spring St, Springfield IL 62704, Phone: 217–782–4141, Fax: 217–524–5574, E-mail: *dwhite@elections.state.il.us*

*Nebraska*

The Honorable John A. Gale, Secretary of State, State Capitol, Ste 2300, Lincoln NE 68509–4608, Phone: 402–471–2555, FAX 402–471–3237, E-mail: *Jgale@nol.org*

*North Dakota*

The Honorable Alvin A. Jaeger, Secretary of State, 600 East Boulevard Ave., Dept. 108, Bismarck ND 58505–0500, Phone: 701–328–2900, Fax: FAX 701–328–2992, Email: *sos@state.nd.us*

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

Dated: December 15, 2004.

**DeForest B. Soaries, Jr.,**

*Chairman, U.S. Election Assistance Commission.*

BILLING CODE 6820–YN–P

**State of Arkansas**
**Secretary of State**

**Charlie Daniels**
Secretary of State

October 27, 2004

Dear Members of the Election Assistance 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 (comprising, [a] **page 2**, [b] **page 4**, [c] **page 10**, [d] **page 12**, [e] **page 15** and, [f] **page 18**) of the Arkansas Implementation Plan for the Help America Vote Act (HAVA) for the 2005 Fiscal Year. These new pages, together with non-substantive changes that we have made, will constitute the State of Arkansas's Plan for Implementation for Fiscal Year 2005.

As required by section 254(a)(12) of the HAVA, Section AA herein describes the material changes that Arkansas has made to the State Plan Filed in 2003. Additionally, Section AA lists progress that the State of Arkansas has made with regard to the State Plan filed with the EAC.

Please note that a number of non-material changes to the State Plan have been made. After consulting with EAC staff, Arkansas has elected not to include those changes for publication in the *Federal Register*. Instead we would direct the EAC and members of the public to the Arkansas Secretary of State's website, www.sos.arkansas.gov to view the complete Arkansas State Plan as is has been amended.

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

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

Very truly yours,

Charlie Daniels

Room 256 State Capitol o Little Rock, Arkansas 72201-1094
501-682-1010 o Fax 501-682-3510
e-mail: sos@aristotle.net o www.sosweb.state.ar.us

State Plan Introduction, page 2.

2004 – The previous fourth paragraph on the Introduction page (page 2) is deleted and replaced by the following:

In 2003, the Arkansas General Assembly passed Acts 994 and 995 to put the state in compliance with the provisions of Public Law 107-252. A committee of stakeholders met to discuss various elements of these acts and the broad requirements of HAVA. During the planning process, the committee discussed various options available to meet HAVA mandates contingent on the level of federal funding available over the next three years.

2004 – The previous third and fourth paragraphs under **Other Requirements** on page 4 are deleted and replaced by the following:

The Title III requirements are most easily and efficiently met by direct read electronic (DRE) voting machines. Only five counties currently use DRE's in Arkansas, and whether the machines in some of those counties meet the requirements of Title III has not yet been determined. An additional 46 counties in Arkansas use optical scan ballots that are tabulated in a central location. Three counties use optical scan ballots that are tabulated at the polling sites, and 8 counties use paper ballots that are counted by hand. The 13 counties that use lever machines or punch card systems will have those systems replaced with a combination precinct-count optical scan and DRE voting system solution OR a full DRE voting system solution depending on county needs, preference and available dollars using Title I funds and supplemented with a percentage of Title II funds.

Arkansas's preference with regard to compliance with Title III voting system requirements is to use requirements payments, local funds (if necessary) and state funds (if possible) to purchase uniform, Title III compliant voting systems for each county in the state

2004 – The second and fourth paragraphs under **Distribution and Monitoring of Requirements Payments** on previous page 10 are deleted and replaced by the following:

If sufficient funds are appropriated to allow the purchase of a uniform voting system, and if legislation is enacted to require the counties to use such a system, the State will use its purchasing power to enter into a contract with a vendor (or vendors) to purchase the equipment necessary to implement a system. The counties will then purchase the equipment through the State contract with requirement payment funds and any state and/or local funds available.

The counties' access to requirements payments funding would be by grant application based on one, some or all of the following factors:

1. The amount of federal funds available;
2. The amount of state funds appropriated for such purchases
3. The number of ballot styles;
4. The number of registered voters;
5. Voter turnout;
6. The number of polling places;
7. And/or other demographic and geographic factors that provide a reasonable representation of need.

2004 - The previous second paragraph under **Voting System Requirements** is deleted and replaces with the following:

Title III compliant DRE's or other such accessible units will be purchased and deployed to each polling site to ensure that there is at least one accessible voting system at each poll. Additionally, The Secretary of State's office will develop a formula to ensure that requirements payment funds will be made available only for the purchase and implementation of election systems that meet Title III requirements. Guidelines will be developed by the State Board of Election Commissioners office in the form of rules and regulations to ensure voting system guidelines and processes that are consistent with the requirements of section 301. Any legislation introduced regarding the implementation of voting systems will include the requirement that the requirements of section 301 be followed. The Secretary of State and State Board of Election Commissioners offices will continue to survey the counties and review polling sites to ensure access. Any legislation that mandates a uniform statewide voting system should define that system as consistent with the voting system guidelines required by HAVA.

2004 – The previous Page 15, the Cost Estimate Table, is deleted and replaced by the following:

| *Cost Estimate* | *Federal Share (Excluding Title I)* | *State Match* | *% of Requirements Payments Needed* |
|---|---|---|---|
| **Section 301: Installation of a combination of precinct-count optical scan and DRE voting system solutions or other accessible units per polling site statewide.**<br><br>**Cost: As Much As $26 Million** | $14,255,056 | $712,752 | 66% |
| **Section 302: Provisional Voting & Voting Information Requirements** | $20,000 | $1,000 | .09% |
| **Section 303:** ***Statewide Voter Registration List—HAVA Compliant with Improved Connectivity for local users and Improved Addressing System***<br>***Cost: $5M*** | $3,671,756 | $183,587 | 17% |
| ***Other Activities:***<br>***--Training & Education for all poll workers & volunteers.***<br>***-- Administrative Complaint Procedures*** | $3,550,000 | $177,500 | 16% |

2004 – The previous Page 18, State Plan Element (Performance Goal) is deleted and replaced by the following:

| *State Plan Element (Performance Goal)* | *Implementation Timetable* | *Suggested Criteria For Measuring Performance*[ii] | *Official Responsible* |
|---|---|---|---|
| ***Replacement of Punch Card & Lever Voting Systems*** | January-March 2005 | Number of jurisdictions converting to electronic systems. | Secretary of State & County Election Commissions. |
| ***Installation of one DRE per polling site for individuals with disabilities*** | January 2005-January 2006 | Number of polling sites compliant. | Secretary of State & County Election Commissions. |
| ***Statewide Voting System compliant with § 301*** | January 1, 2006 | Number of jurisdictions compliant. Other factors included in evaluating performance of all voting system elements to include training programs, voter education, tabulation/reporting time, voter satisfaction. | Secretary of State & County Election Commissions. |
| ***Provisional Voting*** | January 1, 2004 | Number of provisional ballots cast and operation of free access system. | Secretary of State & County Election Commissions. |
| ***Voting Information*** | January 1, 2004 | Quality, quantity, effectiveness of information posted. | Secretary of State & County Clerks. |
| ***Statewide Voter Registration List*** | January 1, 2004 (or January 1, 2006 in event of a waiver). | Conversion from a uniform, locally maintained system to a centralized statewide system shared in 75 jurisdictions. Effectiveness of data-sharing with partnering state agencies and accuracy of data and reports. | Secretary of State & County Clerks. |
| ***Voter Education & Training*** | Immediate & Ongoing | Success of voter education programs, turnout, number of complaints, surveys. | Secretary of State, County Clerks, and County Election Commissions. |
| ***Poll Worker Training*** | January 2004-ongoing | Number and type of training programs provided, number of poll workers trained. | Secretary of State and State Board of Election Commissioners |
| ***Administrative Complaint Process*** | July 15, 2003 | Number of complaints received, processed, and resolved. | State Board of Election Commissioners |
| ***Accessibility of Polling Sites*** | January 1, 2004—January 2006 | Number of polling sites ADA compliant, number improved by modification, number out of | Secretary of State and State Board of Election |

2004 – All previous information in the **Yearly Changes in Plan** section is deleted and replaced with the following:

*(12) In the case of a State With a State plan in effect under Subtitle D 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.*

Proposed changes to the 2003 Plan were described at a meeting of the State HAVA Committee and public hearing in August 2004. At an October 2004 meeting of the State HAVA Committee and public hearing, final proposed changes were presented, discussed and adopted.

This section was drafted by the Arkansas Secretary of State's staff. The amended language of this section will be sent to the EAC as an update required by section 254(a)(12) of the HAVA.

The four material changes to the State Plan are:

1. Voting Systems. The intent to implement a uniform system of DRE's has been changed to the intent to provide counties with either a full DRE system or a combination of DRE and precinct-count optical scan voting systems, depending on county needs.
2. Budget Allocation. The new budget allocation reflects the change from an all DRE voting system to a mixed system, and it presents only a single level of costs.
3. Implementation Timetable. The implementation timetable has been amended to reflect the implementation waiver granted for conversion of punchcard and lever systems.
4. Updates of the State's actions and progress. These updates are listed below in the order they appear in the amended State Plan.

State's Progress:

- Voting Systems Standards. The State requested and was granted a waiver, as authorized by section 102(a)(3)(B) of the HAVA, to postpone replacement of punchcard and lever voting systems.
- Voting Information. The State has published and distributed posters to all counties for use in polling sites that provide voter information concerning; voting instructions (including how to cast a provisional ballot), instructions for first time voters who registered by mail, general information on voting rights, and on voter fraud laws. The same voter information has been provided on the Arkansas Secretary of State's web site. The State has provided specific to HAVA training and information to poll workers and election officials.
- Statewide Voter Registration System. The state has published a Request for Proposals for a new statewide voter registration system. The selected system will be installed and functional statewide no later than December 31, 2005.
- Arkansas Act 994 and Act 995 of 2003 addressed the HAVA requirements for: Title III provisional voting, Title III voting information, Title III statewide voter registration list, Title III first time voters who register by mail, Title III voter registration form, and a uniform, non-discriminatory state-based administrative complaint procedure



# HELP AMERICA VOTE ACT

## STATE OF ILLINOIS

## STATE PLAN

**Daniel W. White**
**Executive Director**
**Illinois State Board of Elections**

**October 25, 2004**

The state plan is also available at
http://www.elections.state.il.us/VoteInfo/Pages/HAVA.htm

**Daniel W. White**
**Executive Director**
**Illinois State Board of Elections**

The State Board of Elections is an independent constitutional agency responsible for general supervision over the administration of the registration and election laws throughout the State of Illinois. The Board consists of eight members – four Democrat and four Republican. The Board appoints an Executive Director and Assistant Executive Director to oversee the day-to-day activities of the State Board of Elections. The Executive Director serves as the Chief Election Officer for the state.

During its thirty year existence, the legislature has expanded the duties of the State Board of Elections to include many other aspects of the election process. The Board oversees and provides services to 110 election jurisdictions throughout the state. With the passage of The Help America Vote Act of 2002 (HAVA), the Board will be responsible for ensuring the provisions of HAVA are implemented in a proper and timely fashion.

Legislation was passed and signed by the Governor to implement provisions under the Help America Vote Act of 2002. Among other things, Public Act 93-0574 established the Help Illinois Vote Act fund so that Illinois could receive federal funds; established new criteria in the Election Code for provisional voting; provided for the definition of a vote for punch card systems, optical scan systems and the Populex system; and authorized the use of direct recording electronic voting systems in Illinois.

During the spring legislative session, the legislature passed, and the Governor signed, a bill which appropriates $5 million from the Capital Development Fund to the State Board of Elections for grants to local governments for the purchase of handicapped accessible polling machine. The will meet the HAVA requirement that the state has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent .

Work continues on the computerized statewide voter registration system in bringing it into compliance with HAVA. Illinois does anticipate having a fully HAVA compliant system by January 1, 2006.

## INTRODUCTION

The revised Illinois State Plan continues to outline how the state will distribute and monitor the monies received and how the state is meeting or will meet the requirements of the Act. It is designed to be a flexible document and subject to alteration as conditions might warrant.

State Board of Elections' staff is working diligently to bring Illinois into compliance with the Help America Vote Act of 2002. The plan which follows is divided into the thirteen sections which are enumerated in Section 254 of the Act.

**Section 1. Title III Requirements Payment**

*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 301 Voting Systems Standards**

Public Act 93-0574 (PA 93-0574) authorized the use of Direct Recording Electronic Voting systems (DRE) approved by the State Board of Elections. SBE staff is in the process of promulgating rules so that the certification process can begin. Once these systems are certified for use in Illinois, it is anticipated that the State Board of Elections will consider using Title II monies to possibly assist with purchase of compliant systems. If so, it will formulate a distribution and allocation process to distribute monies to the election jurisdictions for purchase of the system. HAVA requires one fully accessible machine in each polling place. The process for distribution of these funds has not yet been determined. These systems must be fully accessible to permit blind or visually impaired voters as well as physically disabled voters to exercise their right to vote in private and without assistance.

The updated Election Judge manual includes a section on assisting voters with disabilities. This portion suggests common courtesies and guidelines for the election judges in assisting voters. In addition, the SBE recently distributed to all election authorities a disability etiquette booklet published by the Eastern Paralyzed Veterans Association. This booklet provides tips on interacting with people with disabilities.

Many election jurisdictions are now using an optical scan voting system. These systems do meet HAVA requirements in that they 1) permit the voter to verify their vote before the ballot is cast and counted, 2) provide the voter with the opportunity to change the ballot before it is cast and counted, and 3) provide notice to the voter of an overvote with an opportunity to correct the ballot before it is cast and counted.

The election jurisdictions currently using the punch card system have access to the SBE website education program and which also includes instructions on how to vote as well as how to correct the ballot before it is cast and counted. Also, SBE staff continues to conduct election judge's training schools for jurisdictions using the punch card system.

All voting systems currently produce a permanent paper record. PA 93-0574 also requires a permanent paper record on the DRE's.

Pursuant to Public Act 93-0574, the State Board of Elections, in evaluating the feasibility of any new voting system, shall seek and accept public comment from persons of the disabled community, including but not limited to organizations of the blind.

Illinois applied for and received the Election Assistance for Individuals for Disabilities grants for FY 03 and FY 04. These two grants together amount to $870,164. Section 101 monies are also being used to increase the amount to be spent on making polling places accessible. Election authorities will continue to audit polling places on a regular basis to ascertain if they meet accessibility standards and also publish the polling places that are accessible. Illinois will strive to have all polling places 100% accessible.

**Section 302 Provisional Voting and Voting Information Requirements**

Public Act 93-0574 provided statutory language authorizing provisional voting in Illinois. All provisional voting requirements for this provision are now met. Election authorities shall continue to train election judges on implementing this new provision. As provided in Section 302(a)(5)(3), the State Board of Elections, at the March 2004 primary election, provided a toll free telephone number for election authorities to utilize for voters who cast provisional ballots to access to discover whether their vote was counted. Out of 110 jurisdictions, 67 used the SBE system. The remaining 33 jurisdictions utilized a system of their own design. In November, the State Board of Elections Internet website will be available to all Illinois jurisdictions, if they choose to participate.

Illinois law now allows for provisional voting if the polls remain open after closing time due to a Federal or State court order.

All election jurisdictions were notified of the requirement for posting Voting Information Requirements in each polling place on the day of each election for Federal office.

The revised voter registration form includes instructions for mail-in registrants and first time voters. The Administrative Complaint procedure is in the approval process and will continue through the implementation of rules of procedure. These will allow individuals who feel their rights have been violated to seek recourse.

**Section 303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register By Mail.**

Illinois continues work on the single, uniform, official centralized statewide voter registration database. A waiver was submitted for an extension to January 2006. We expect the system to be HAVA compliant by that time. We have coordinated with the Department of Public Health and Department of Corrections for the transfer of deaths and felons via electronic means.

The revised voter registration form allows for the applicant's driver's license number or, if no driver's license, the last 4 digits of the applicant's social security number or their full Secretary of State ID number Measures will be provided for in determining the validity of the numbers provided once the statewide voter registration database is complete.

The HAVA requirement that every legally registered voter in the State be assigned a unique identifier will be provided for when the statewide voter registration database is complete.

The State Board of Elections and the Office of the Secretary of State have entered into an agreement for the sharing of information in the databases. The Secretary of State's office is required to enter into an agreement with the Social Security office.

Illinois law (10 ILCS 5/1A-16) now provides for all requirements for a person who has registered by mail. Although under the provisions of NVRA, Illinois does not permit first-time mail registrants to vote absentee by mail. Once the database is in place we will meet the requirement to match the information submitted on a mail registration with the existing identification number.

**Section 402. Establishment of State-based Administrative Complaint Procedures to Remedy Grievances.**

The State Board of Elections has adopted a state-based administrative complaint procedure with the adoption of Administrative Complaint Procedures and Remedy Grievance Rules and Regulations.

**Section 3. Voter Education Programs**

*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.*

**I. Voter Education**

Voter education is essential to any plan for election reform. The purpose of the voter education program must be to increase voter familiarity with the requirements to register to vote, the type of voting equipment utilized and to inform voters of their rights and responsibilities at the polling place. Voter education should also help to increase voter interest in the election, help attract poll workers, and decrease the voter error rate.

The voter education program will address all aspects of the voting public with specific emphasis in reaching senior citizens, young adults, minority voters, and voters with disabilities. It will include both pre-election and election day strategies including how to register to vote, how to locate polling places, how to cast a ballot, and voters rights in the polling place.

Pre-election strategies include public service announcements in television and radio format, electronic forms of voter education, community partnerships with outreach organizations, demonstrations of the voting equipment at venues throughout the election jurisdiction, and programs geared toward use in the classroom. The State Board of Elections has and will continue to seek participation from other state agencies. The State Board of Elections will seek assistance from the Department of Rehabilitation Services, Department of Aging and Department of Human Services in providing educational materials to clients of those departments.

Pre-election day strategies include demonstrations of the voting equipment. Election day strategies include having informational posters available in polling places, and printed information regarding voting equipment usage provided in the polling place. We encourage election authorities to request vendors to provide to each registered household in that jurisdiction a guide explaining operation of their particular voting equipment. The State Board of Elections will continue to enhance its voter education material already on its website and we encourage election authorities to do the same.

The State Board of Elections provided a booth at the Illinois State Fair in August 2004. Materials were provided to demonstrate how to vote a punch card ballot as well as an optical scan ballot and visitors were given information on which type of equipment their jurisdiction would be using. Mail registration forms were available and several election authorities sent staff to register voters at the booth. The mock election programs were displayed and the SBE website was promoted as an access for further election information. Activity books, pencils and magnets promoting the November 2, 2004 election were distributed to all visitors, as well as informative brochures regarding provisional voting, registering to vote, voter assistance on election day, election judges duties and responsibilities, Illinois deputy registrars, and absentee voting.

The State Board of Elections will develop voter education programs in partnership with all stakeholders, including local election authorities, community representatives, and advocacy organizations. As the Secretary of State, Division of Motor Vehicles, registers many voters, information should be provided at these sites educating voters as they register.

**II. Election Administrator Training**

The State Board of Elections has prepared a Guide for Election Authorities to ensure that there is adequate knowledge of the state election laws and the implementation of these laws at the local level.

The State Board of Elections will work in conjunction with both the County Clerks Association and the Association of Election Commission Officials to facilitate an education and training program for their members. This program should include a framework for providing practical learning experiences in the administration of elections. It must also include requirements of HAVA to ensure uniform implementation throughout the state.

**III. Poll Worker Training**

The State Board of Elections will establish uniform requirements for poll worker training throughout the state and will oversee the implementation of this training. The local election authority should be responsible for conducting most of the training programs to ensure the unique aspects of the election in each jurisdiction are clearly explained to the poll worker. The compensation for attending election day training should be increased to encourage poll workers to attend this important learning program.

Audio-visual aids will be used for the training program. As part of the training, the program will include a portion on sensitivity for voters with disabilities. In establishing a uniform training program for poll workers, the State Board of Elections will serve as the liaison among all election authorities within the state to ensure participation in the training development and coordination of the information. In implementing this training program, the State Board of Elections will provide a training plan to the local election authority and will assist, where necessary, in the execution of the training. Training manuals will include, but not be limited to, information about the nature of various disabilities, the rights of voters, access to and maneuverability within polling places and the use of machines and ballots.

**Section 4. Voting Systems Guidelines and Processes**

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

Illinois adopted procedures in 1978 that allows no voting system to be used in the state unless approved for use by the State Board of Elections in accordance with rules set forth. The requirements for approval are found in the Illinois Election Code, 10 ILCS 5/24A-16, 24B-16, and 24C-16 as well as in State Board of Elections Rules and Regulations, 26 Illinois Administrative Code, Chapter 1, Section 204.10 - 204.180.

Below is a summary of voting systems currently in use in Illinois.

| System | # of Election Jurisdictions | Current # of Precincts | In-Precinct Counting |
|---|---|---|---|
| Punch Card | 40 | 1,768 | None |
| PBC 2100 (punch card) | 2 | 5,129 | 2 |
| Accu-vote Optical Scan | 43 | 2,759 | 43 |
| Optical Scan M100 | 20 | 1,788 | 20 |
| Marksense Optech IV-C | 3 | 155 | None |
| Marksense Optech III-PE | 2 | 146 | 2 |

To date, 54 of the 97 eligible jurisdictions have applied for their portion of the money allocated for the punch card buyout program. Illinois is becoming more compliant with this program. If a jurisdiction chooses to maintain a central count punch card system, the election authority must provide a strong voter education program.

As required in PA 93-0574 the State Board of Elections, in evaluating the feasibility of any new voting system, will accept public comment from persons in the disabled community.

**Section 5. Illinois HAVA 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.*

With the passage of SB 428 in the spring 2003 legislative session, the Help Illinois Vote Fund to implement HAVA was established. Governor Blagojevich signed the bill on August 21, 2003 providing for a special fund within the State Treasury to receive federal funds under the Help America Vote Act of 2002. It authorized appropriation from the Fund solely to the State Board of Elections for use in accordance with the federal Act. Illinois plans to use interest generated from the Fund to help fund future needs in implementing HAVA.

As part of the SBE's FY05 appropriation, language is included which gives the State Board of Elections spending authority to use the funds in accordance with the Help America Vote Act of 2002.

The SBE Executive Director and Chief Fiscal Officer will work with the State Comptroller and State Treasurer to follow and enforce all mandated fiscal controls and policies.

**DISBURSEMENTS OF SECTION 101 AND 102 MONIES**

| | Federal Appropriation To All States | Federal Appropriation To Illinois | Expended In Illinois (as of 8/31/04) |
|---|---|---|---|
| **Section 101** | $349,182,262 | $11,129,030 | $2,141,535 |
| For discretionary use by jurisdictions to provide for election administration improvements | | | $0 |
| Accessible polling places | | | $ 999,705 |
| Computerized statewide voter registration database and related costs (does NOT include costs paid through State 'maintenance of effort' funds) | | | $ 689,353 |
| Sub-Grants to Secretary of State | | | $ 423,080 |
| Toll free telephone hotline | | | $ 314 |
| Development of State Plan | | | $ 1,000 |
| Misc expenses relating to HAVA implementation | | | $ 28,083 |
| **Section 102** | $300,317,738 | $33,805,617 | $10,633,313 |
| Punch card buyout - $3,192.22 per precinct | | | $10,633,313 |

**SECTION 251 MONIES**

| Section 251 - Requirements Payments (not yet received) (federal fiscal years) | | | | | |
|---|---|---|---|---|---|
| FY03 Federal Authorized Funds | FY 03 Federal Appropriation Illinois share | FY04 Federal Authorized Funds | FY 04 Federal Appropriation Illinois share | FY 05 Federal Authorized Funds | FY 05 Federal Appropriation Illinois share |
| $1.4 billion | $830,000,000<br>----------<br>$35,283,025 | $1 billion | $1,489,360,620<br>----------<br>$63,312,227 | $600,000,000 | $ |
| FY03 expended funds | $ | FY04 expended funds | $ | FY05 expended funds | $ |

The State Board of Elections has received the required 5% state match in the FY05 budget request (to meet the requirement for both federal fiscal year FY03 and FY04). The amount received was $5 million.

**SECTION 254(A)(7) - DISBURSEMENTS (STATE FUNDS)**

| Section 254(a)(7)- Maintenance of Effort Requirement (State funds)(state fiscal years) | | | | | |
|---|---|---|---|---|---|
| FY04 Appropriated Funds | FY 04 Expended | FY05 Appropriated Funds | FY 05 Expended (as of 8/31/04) | FY 06 Appropriated Funds | FY 06 Expended To Date |
| $550,000 | $545,954 | $550,000 | $0 | $ | $ |

**SECTION 261 - DISBURSEMENTS**

| Section 261 - Health & Human Services Payments - Access Disability Grants (federal fiscal years) | | | | | |
|---|---|---|---|---|---|
| FY03 Federal Authorized Funds | FY 03 Federal Appropriation Illinois share | FY04 Federal Authorized Funds | FY 04 Federal Appropriation Illinois share | FY 05 Federal Authorized Funds | FY 05 Federal Appropriation Illinois share |
| $50,000,000 | $13,000,000<br>----------<br>$511,102 | $25,000,000 | $9,941,000<br>----------<br>$359,062 | $25,000,000 | $ |
| FY03 expended funds | $511,102 | FY04 expended funds (as of 8/31/04) | $319,545 | FY05 expended funds | $ |

The State Board of Elections is in the process of distributing the HHS grant money through an application process. It is being distributed using a voting age population formula for each jurisdiction. Should a jurisdiction not request any of the money, it will then be redistributed to the jurisdictions.

**Section 7. Maintenance of Effort**

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

In FY00, Illinois had an appropriation of $550,000 for the uniform registration formatting project (now called the statewide voter registration system project). This amount was appropriated in the FY04 budget, and has again been appropriated in the FY05 budget.

We intend to use the money to continue development of the Statewide Voter Registration Database along with other qualifying expenses as dictated by the mandates of HAVA.

**Section 8. Performance Goals and Measures**

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

A review of applicable State Laws and Administrative Codes will be undertaken to determine any changes necessary to accomplish the goals of the Help America Vote Act and to ensure compliance through reporting by Election Authorities. The State Board of Elections will revise any existing reporting procedures to include measures of performance for requirements under the Act.

| Requirement | Time Frame | Goal | Measures |
|---|---|---|---|
| Punch Card Buyout | Jan 1, 2006 (waiver approved) | Replace systems in 10,590 eligible precincts | SBE maintains a database of voting systems used by each county, which will be expanded to include critical elements. |
| Accessible voting machine | Jan 1, 2006 | Equipment which allows a blind voter to vote unassisted in each polling place | Criteria for accessibility certification will be developed to track compliance. |
| Polling place accessibility | Nov 2006 | Provide accessible polling places for each precinct | Election Authorities report polling place accessibility to SBE through surveys. Survey will be revised to insure compliance. |
| Provisional ballot<br><br>(Procedures provided for by PA 93-0574) | Jan 2004 | Develop procedures for voting and processing ballots Develop system to inform voter of outcome | Provisional ballots must be tracked for the purposes of adding to final canvass and reporting to provisional voter. |
| Definition of vote<br><br>(Complete - SB428) | Jan 2004 | Provide standards for recount procedures | A means of reporting election contests will be developed. |

**Section 7. Maintenance of Effort**

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

In FY00, Illinois had an appropriation of $550,000 for the uniform registration formatting project (now called the statewide voter registration system project). This amount was appropriated in the FY04 budget, and has again been appropriated in the FY05 budget.

We intend to use the money to continue development of the Statewide Voter Registration Database along with other qualifying expenses as dictated by the mandates of HAVA.

**Section 8. Performance Goals and Measures**

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

A review of applicable State Laws and Administrative Codes will be undertaken to determine any changes necessary to accomplish the goals of the Help America Vote Act and to ensure compliance through reporting by Election Authorities. The State Board of Elections will revise any existing reporting procedures to include measures of performance for requirements under the Act.

| Requirement | Time Frame | Goal | Measures |
|---|---|---|---|
| Punch Card Buyout | Jan 1, 2006 (waiver approved) | Replace systems in 10,590 eligible precincts | SBE maintains a database of voting systems used by each county, which will be expanded to include critical elements. |
| Accessible voting machine | Jan 1, 2006 | Equipment which allows a blind voter to vote unassisted in each polling place | Criteria for accessibility certification will be developed to track compliance. |
| Polling place accessibility | Nov 2006 | Provide accessible polling places for each precinct | Election Authorities report polling place accessibility to SBE through surveys. Survey will be revised to insure compliance. |
| Provisional ballot<br><br>(Procedures provided for by PA 93-0574) | Jan 2004 | Develop procedures for voting and processing ballots. Develop system to inform voter of outcome | Provisional ballots must be tracked for the purposes of adding to final canvass and reporting to provisional voter. |
| Definition of vote<br><br>(Complete - SB428) | Jan 2004 | Provide standards for recount procedures | A means of reporting election contests will be developed. |

| Requirement | Time Frame | Goal | Measures |
|---|---|---|---|
| State-wide voter registration system | Jan 1, 2006 (waiver requested) | Provide means for uploading voter information from counties to state-wide database | Ratio of counties with equipment and procedures in place to upload information |
| Grievance procedure | Admin. Complaint Procedure adopted | Provide a means of receiving, reporting and resolving complaints from voters | Track complaints and resolutions through an annual report. |
| Education and Training | Jan 2004 | Provide voter education and enhanced election judges training. | Report voter education through election authority surveys. Election Authorities currently report the # of Election Judges who have tested for each election. |

The State Board of Elections will assist election authorities to develop standard reports and procedures to measure critical areas of each requirement: scope, schedule, and resources. Reporting requirements will assist SBE in collecting data to report on performance.

- SCOPE: Measure size of project (# of precincts, registered voters, polling places, etc)
- SCHEDULE: Target start and stop dates, actual start stop dates, periodic review of progress (% completed )
- RESOURCES: Measure personnel and existing resources committed to each project as well as financial resources needed to complete the project.

**Section 9. State-Based Administrative Complaint Procedures**

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

Section 402 of HAVA requires the State to create a state-based administrative complaint procedure to assure compliance with Title III of HAVA. The offices of the Illinois State Board of Elections through consultation with the Office of the Illinois Attorney General will develop administrative rules that will allow any person who believes there is, has been, or is about to be a violation of Title III of HAVA to file a complaint.

The complaint must be in writing, sworn and notarized. At the complainant's request, there will be a hearing on the record. If the State finds a violation, it will provide an appropriate remedy. If the State determines a violation has not occurred, the complaint will be dismissed and the results will be published. The State will make a final determination on a complaint within 90 days, unless the complainant consents to a longer period for making such a determination.

The 90-day period begins on the date the complaint is filed. If the State cannot meet this 90-day deadline, the complaint will be resolved within 60 days under an alternative dispute resolution procedure. This 60-day period for resolving a complaint under an alternative dispute resolution process begins after the 90-day period expires. The record and other materials from any proceedings conducted under the complaint procedures shall be made available for use under the alternative dispute resolution procedures. All procedures will be administered in a uniform and nondiscriminatory manner.

The State Board of Elections has adopted a state-based administrative complaint procedure with the adoption of Administrative Complaint Procedures and Remedy Grievance Rules and Regulations.

**Section 13. State 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.*

The first state plan was developed through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other election officials, stakeholders (such as representatives of groups of individuals with disabilities) and other citizens, as well as the Chief State Election Official. This year's state plan was updated by SBE staff and distributed to all member of the State Planning Committee as formed in 2003.

Comments from the Committee will be taken into account before the Plan is submitted to the Board for approval on October 25. The draft State plan will be available on the Board's website and published for public comment for 30 days. If, following the public comment period, it is necessary, an amended state plan will be submitted to the Board on October 25 for final approval and then eventual submission to the Election Assistance Commission for posting in the Federal Register. The full committee may meet again as necessary.

Daniel W. White, Executive Director, Illinois State Board of Elections,

Members of the State Planning Committee are:

Matt Abrahamson, Dept. of Rehabilitation Services
Paul Anderson, Kendall County Clerk
Steve Bean, Macon County Clerk
Tom Benzinger, Access Living
Derek Blaida, City of Chicago
Bill Blessman, Mason County Clerk
Bernice Bloom, Citizen
Tonia Bogener, Office of the Attorney General
Hollister Bundy, Inclusion Solutions, Inc.
Alison Burnett, Office of Republican House Leader
Ray Campbell, Illinois Council of the Blind
Cynthia Canary, Illinois Campaign for Political Reform
David Carlin, Illinois Republican Party
Rance Carpenter, Department of Aging
Bruce Clark, Kankakee County Clerk
Linda Crotchett, Jersey County Clerk
Dan Curry, Office of U.S. Senator Peter Fitzgerald
Laurie Dittman, Chicago Mayor's Office for People with Disabilities
Bill Dunn, Citizen
Dave Eldridge, Office of the House Speaker Michael Madigan
Krista Erickson, Lake County Center for Independent Living
Alan Gitelson, Professor of Political Science, Loyola University - Chicago
Lance Gough, Chicago Board of Election Commissioners
Debbie Grant, Springfield Branch NAACP
Barb Gross, Morgan County Clerk
Harvey Grossman, ACLU
Steve Handschu, National Federation of the Blind of Illinois
Tom Hanson, Mercer County Clerk
Carol Anne Harwell, NAACP
Jan Holcomb, Mental Health Assoc. IL
Sharon Holmes, DeKalb County Clerk
Jo Holzer, Council for Disability Rights
Bill Houlihan, Office of Senator Richard Durbin
Roger Huebner, General Counsel, IL Municipal League
Pat Hughes, Inclusion Solutions, Inc.
Becky Huntley, Ogle County Clerk
John Jackson, Public Policy Institute, Southern Illinois University - Carbondale
Robin Jones, Great Lakes DPTAC
Jan Kralovec, Office of Cook County Clerk
James Lewis, East St. Louis Board of Election Commissioners
Barb Lippai, League of Women Voters
Bill Looby, AFL/CIO
Bill Luking, Attorney
Rene Luna, Access Living
Todd Maisch, IL Chamber of Commerce
Peggy Ann Milton, McLean County Clerk
Saul Morse, Illinois State Medical Society
Peg Mosgers, Office of Senate Republican Leader Frank Watson
Zena Naiditch, Equip for Equality, Inc.
Doreen Nelson, DuPage County Election Commission
Sara Nelson, Office of U.S. Senator Richard Durbin
David Orr, Cook County Clerk
Pat Plotner, former SBE employee
Gail Poundstone, Illinois Coalition on Aging
Kent Redfield, Department of Political Science, University of Illinois - Springfield
Larry Reinhardt, Jackson County Clerk
Randy Reitz, Bond County Clerk
Hugo Rojas, Illinois Executive Director & Midwest Program Rep., Common Cause
Steve Rotello, Office of the Attorney General
Bob Saar, Executive Director, DuPage County Election Commission
Cynthia Saputo, Office of Republican House Leader Representative
Mary Ann Scanlan, Office of the Secretary of State
Kathie Schultz, McHenry County Clerk
Nancy Strain, Executive Director, Rockford Board of Election Commissioners
Jeff Trigg, Executive Director - Libertarian Party of Illinois
Maria Valdez, MALDEF
Mark Von Nida, Madison County Clerk
Karen Ward, Equip for Equality
Vickie Wilson, Coalition of Citizens with Disabilities
Ralph Yaniz, American Association of Retired Persons
Karen Zaiz, IL Network of Centers for Independent Living
Al Zimmer, former State Board of Elections employee
Jill Zwick, Office of Secretary of State

# STATE OF NEBRASKA

**JOHN A. GALE**
**SECRETARY OF STATE**

**P.O Box 94608**
**State Capitol, Suite 2300**
**Lincoln, NE 68509-4608**
**Phone 402-471-2554**
**FAX 402-471-3237**
**www.sos.state.ne.us**
**sos08@nol.org**

September 21,2004

Peggy Simms
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Ms. Simms:

Please find enclosed a copy of the material changes to the Nebraska State Plan for the implementation of the Help America Vote Act. This document represents the material changes to the original State Plan that was submitted in August of 2003. I would ask that these changes be published in the Federal Register according to the requirements in the Help America Vote Act.

I do not believe there are any diagrams, tables or the state seal that will cause publication problems. In addition to this hard copy, an electronic version in a Word format will be e-mailed to you. Should you have any comments or concerns on this matter, please don't hesitate to contact my office.

Sincerely,

John Gale
Secretary of State



the general public related to elections, and any other costs related to elections or to implementation of the Help America Vote Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**Section 6**

**(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on -**

*(A) the costs of the activities required to be carried out to meet the requirements of title III;*

*(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and*

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

*Anticipated Revenue

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

| | Fiscal Year 2003 | Fiscal Year 2004 | Fiscal Year 2005 | Fiscal Year 2006 |
|---|---|---|---|---|
| **Title I Funding** | $5,000,000 | $0 | $0 | $0 |
| **Title II** | | $4,920,000 | $8,829,000 | $0 |
| **State Match** | $260,000 | $465,000 | $0 | $0 |
| **Subtotal** | $5,260,000 | $6,385,000 | $8,829,000 | $0 |
| ***Other State Funding** | $241,000 | $240,000 | $238,000 | $238,000 |
| **Total** | **$5,501,000** | **$6,625,376** | **$9,067,173** | **$238,000** |

*This amount is similar to previous appropriations for election administration. FY'99-'00 expenditures for election administration totaled $138,905. Maintenance of effort requirements in section 7 require a state

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

| **Expenditures** | | | | |
|---|---|---|---|---|
| **Title III Requirements** | **Fiscal Year 2003 (actual)** | **Fiscal Year 2004 (est.)** | **Fiscal Year 2005 (est.)** | **Fiscal Year 2006 (est.)** |
| **Disability Equipment** (Section 301) | $0 | $2,000 | $3,000,000 | $3,000,000 |
| **Central VR** (Section 303) | $30,000 | $300,000 | $2,000,000 | $2,400,000 |
| **Training and Ed.**(Sec. 302, 303 ) | $4,000 | $103,000 | $250,000 | $350,000 |
| **Administration** (State Plan Committee, staffing, overhead) | $40,000 | $194,000 | $230,000 | $230,000 |
| **Total** | **$74,000** | **$599,000** | **$5,480,000** | **$5,980,000** |

**Section 7**

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

For Fiscal Year '99-'00, total state expenditures for elections were $138,905. While none of these funds were used for activities specifically mandated by Title III of the Act, it should be noted that appropriations for Fiscal Years '03-'04 and '04-'05 (LB 407, 2003) for elections (Agency 09, Program 45) were approximately $240,000 for each of the two fiscal years. This amount is an increase over total election expenditures for FY '99-'00.





**Section 12**

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

This Plan includes amendments from the plan submitted in fiscal year 2003. Material changes include updating budget figures (Section 6) to reflect additional appropriated funds, both federal and matching, and corresponding planned expenditures. The budget section also includes actual figures (rather than estimates) for fiscal year 2003. Other references to additional appropriated funds are included in Sections 1

Other changes include amending references from "DRE's" to take into account other types of equipment that may be accessible to the disabled community. Also included are changes where the original plan provided for actions to be taken that have since been accomplished. Among these changes are provisional balloting, voter ID, voter information and updates in Section 8 regarding performance goals and measures. References to specific dates regarding the State Plan Commission process in FY 2003 and the description of the Commision (Section 13) procedures have also been amended.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

December 1, 2004

DeForest B Soaries, Jr.
Chairman
Election Assistance Commission
1225 New York Avenue NW Suite 1100
Washington DC 20005

Dear Chairman Soaries,

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 sectional changes to the HAVA State Plan for the State of North Dakota.

As with the initial state plan submitted in 2003, this revised plan represents the collaborative and good faith efforts of the North Dakota Secretary of State's office, the state's county election officials, the North Dakota Association of Counties, diverse voter interest groups, and interested citizens who provided comments concerning the plan.

I have submitted only those sections of the State Plan that have been changed. After consulting with EAC staff, North Dakota has elected not to forward unchanged portions of its State Plan to be published in the *Federal Register*. Instead, the EAC and members of the public are invited to visit the North Dakota HAVA website at www.state.nd.us/hava/documents to view and copy the complete North Dakota HAVA State Plan as it has been amended.

The 2004 Amendments to the North Dakota HAVA State Plan were developed in accordance with section 255 of HAVA and the requirements for public notice and comment prescribed by section 256. A public review and comment period was held between the dates of September 22 and October 22, 2004. No comments were received.

As required under section 254 (a)(12) of HAVA, I am also pleased to report how North Dakota has succeeded in carrying out its initial 2003 State Plan. Through the cooperative efforts by state and local officials, voter interest groups and private citizens, the following achievements were accomplished:

1. Development and implementation of certification standards for election voting equipment used in North Dakota;
2. The procurement and continuing implementation of a statewide voting system capable of providing both private and independent voting opportunities for persons with disabilities and providing second-chance voting for all voters;
3. Removal of all punch-card voting systems in the state;
4. Development and implementation of a statewide election management system;
5. Statewide assessment of all polling sites for accessibility;
6. Development and implementation of a uniform, nondiscriminatory administrative complaint procedure;
7. Continued development and implementation of a uniform statewide election official education program;
8. Development and implementation of standardized military and overseas voting procedures;



9. Development, distribution, and posting of standardized voter information posters at all polling sites in the state; and
10. Development and continued implementation of a statewide voter education program designed to educate voters on the process of voting, where to vote, and voter rights, which also provides special emphasis for specific voter groups, including the disabilities community and tribal populations within the state.

As my staff and I reflect back on the past two years, we have found the continuing process related to the state planning effort to have been, and continues to be, rewarding and worthwhile, marked by positive and meaningful discussions about ways to improve the election process in North Dakota. Based on our experiences this past election cycle, the state has benefited greatly from the State Plan and the thought and contributions from the various individuals that has gone into its development. It has provided essential guidance for the continuing and successful implementation of HAVA in North Dakota.

Please let me know if you have any questions or concerns.

Sincerely,

Alvin A. Jaeger
Secretary of State

Enclosures

**2. Section 254(a)(2): How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of:**

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

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

The Office of the Secretary of State will manage all expenditures funded by HAVA. The state will be responsible for accounting for all expenditures, program controls, and outcomes in accordance with state and federal laws.

Based on a target number of precincts established for each county, the state has calculated an allowable expense for voting equipment upgrades in each county. The target number of precincts for each county has been determined by a formula established by the county election officials appointed to the Steering Committee, as defined in Section 12. The formula takes into account a number of variables including the number of existing precincts, the number of votes cast per county in the last gubernatorial election, the number of eligible voters per county that are over age seventeen, and the size of each county in square miles. The formula provides funding incentives for the counties to reduce the number of precincts from the total number of precincts operated in 2002. A county may submit an informal written appeal of the formula or the county's target number of precincts to the Secretary of State. The Secretary of State shall consider appeals of the formula or target number of precincts in a county based on a review of the written record and determine if the formula or target number of precincts is fair and reasonable. The decision of the Secretary of State is final. The voting system upgrades for the targeted number of precincts within each county are paid for at the following rate:

- 95% HAVA Contribution
- 2.5% State of North Dakota Contribution
- 2.5% County Contribution

Counties choosing to operate a total number of precincts or polling locations at a rate less than the targeted number of precincts calculated according to the formula outlined in this plan will only be responsible for providing matching funds for upgrading the voting systems in those precincts or polling locations that are operated by the county. Counties choosing to operate precincts in addition to the targeted number of precincts calculated according to the formula outlined in this plan will be responsible for the full cost of upgrading the voting systems in those precincts to match the voting system used in the other precincts in the county.

The state, on behalf of the counties and upon the recommendation of the Voting System Procurement Committee, contracted with Election Systems and Software (ES&S) for a



uniform voting system for each polling location in the state, consisting of a precinct level optical scanner and a voting device capable of allowing persons with disabilities and others to vote privately and without assistance.

Any revenue or interest generated by the state from any HAVA funds will be returned to the state's Election Fund to pay all or portions of the expenses incurred by the state and or counties for technical service support and programming; for equipment maintenance and replacement, as necessary; and for future election related technology upgrades.

In order to meet state standards to receive funding for new election equipment counties must continue to:

1. Address minimum physical accessibility needs of polling places within the county as deemed necessary by the state. Accessibility needs in counties will be based on the results of an independent inspection arranged by the Secretary of State and the county, in coordination with Centers for Independent Living and the North Dakota Protection and Advocacy Project;
2. Provide storage and security for voting systems;
3. Comply with state-based grievance procedures;
4. Post the required voter information at the polling place, as provided by the state;
5. Provide the 2.5% match toward the initial purchase of voting systems authorized for the county based upon the target number of precincts; and
6. Meet any deadlines established by HAVA and this plan for the replacement of non-qualifying voting systems, voter education and election official training requirements, and any other requirements of HAVA or this plan.

**4. Section 254(a)(4): How the State will adopt voting system guidelines and processes which are consistent with Section 301.**

The revisions to state law, approved by North Dakota's Fifty-eighth Legislative Assembly, provide a process to certify and decertify voting systems in the state. The Secretary of State adopted rules that take into account standards created by and results of testing conducted by the Federal Election Commission and/or the Election Assistance Commission, for certifying and decertifying electronic voting systems authorized by law, including any software, hardware and firmware components used as a part of an electronic voting system or electronic counting machine for use in the state. Electronic voting systems; any single device of an electronic voting system; and any update or enhancement made to them; in use by a county prior to August 1, 2003, were reviewed by the Secretary of State and grandfathered as meeting the requirements of the rules until January 1, 2006. [*NDAC § 72-06-01*]

North Dakota will implement a voter education plan with the counties for second-chance voting, including statewide and local efforts to promote voting accuracy.

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

As required by HAVA, the Secretary of State has established and is maintaining an Election Fund for the exclusive purpose of carrying out activities of HAVA. Following the receipt of HAVA payments, any subsequent deposits consisting of interest or revenue generated from HAVA money will be returned to the state's Election Fund to pay all or portions of the expenses incurred by the state and or counties for the technical service support and programming; for equipment maintenance and replacement, as necessary; and future election related technology upgrades.

**6. Section 254(a)(6): The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on:**

**(A) The costs of the activities required to be carried out to meet the requirements of 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.**

Funding estimates are based on the assumption the state will receive a minimum of an additional $7.45 Million, beyond the $9.15 Million received by August of 2004, for the purpose of election reform.

| No. | Activity | Funding Estimates* | Description |
|---|---|---|---|
| 1. | Voting System Upgrades and Improvements<br>• Punch-card replacement (Williams County)<br>• Second-Chance Voting and Disability Access | $6,000,000 | • Replace punch-card equipment in Williams County<br>• Placement of at least one voting system in each precinct consisting of equipment capable of offering second-chance voting and unassisted voting access for persons with disabilities |
| 2. | Statewide Voter Registration Database | NA | • North Dakota is exempt |
| 3. | Voter Education for Second-Chance Voting Requirement | $100,000 | • Develop and execute a publicity campaign and system specific voter education materials |
| 4. | Voting Information Posting Requirements | $100,000 | • Develop and distribute posters containing required information and other instructional materials |
| 5. | Provisional Voting | NA | • North Dakota is exempt from certain portions of provisional voting as required by HAVA |
| 6. | State-Based Grievance Procedure | $50,000 | • Adopt, train, and administer a state-based grievance procedure |
| 7. | Requirements for first time voters who register by mail | NA | • North Dakota is exempt |
| 8. | Voter Education | $200,000 | • Develop and execute programs to provide quality voter education in harmony with Activity No. 3, 4 and 6 |
| 9. | Election Official Education and Training and Poll Worker Training | $120,000 | • Develop and execute programs to provide quality election official training and poll worker training |
| 10. | Central Voter File | $1,000,000 | • Develop and implement a centralized database of voters for purposes of preventing and detecting fraud, and creating Election Day poll books |
| 11. | Adopt and Develop Voting System Standards and a Voting System Test Process | $30,000 | • Adopt and develop voting system standards and test processes in accordance with Federal Election Commission or Election Assistance Commission standards and testing results |
| 12. | Monitoring Performance Goals and Production of Report | $100,000 | • Ensure compliance with HAVA |
| 13. | Development of State Plan and On-going Management of the State Plan | $270,000 | • Ensure the continued management of the HAVA activities in cooperation with local election officials |
| 14. | On-going Election Expenses | Remainder + Interest | • To assist counties with programming expenses, maintenance, equipment replacement and/or other election related projects or technology upgrades. |

**Activity Funding Estimates are 'best estimates,' and are likely to increase and/or decrease in the process of actual implementation. All funding estimates are based on the calculated amount of federal election reform funding being allocated to North Dakota.*

**9. Section 254(a)(9): A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.**

A complaint filed under Title III of the Help America Vote Act must be in writing, notarized, and be signed and sworn by the person filing the complaint and state the alleged violation of federal or state law. A standard form is available from the Secretary of State. At the request of a complainant, the Secretary of State shall establish a procedure for providing a review on the record. If the Secretary of State determines there is a violation of a provision of Title III of HAVA *[Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15481-15502]*, the Secretary of State shall determine and provide an appropriate remedy. If the Secretary of State determines that a violation of Title III of HAVA has not occurred, the Secretary of State shall dismiss the complaint and publish the results of the review. The Secretary of State shall make a final determination with respect to a complaint within ninety days of the date the complaint is filed with the Secretary of State, unless the complainant consents to a longer period of time for the Secretary of State to make a determination. If the Secretary of State fails to meet the ninety-day deadline for determining a complaint, the complaint must be resolved within sixty days under an alternative dispute resolution procedure, which may include mediation, binding arbitration or a court order, depending on the complaint filed. The Secretary of State is authorized to consolidate complaints. [*NDCC § 16.1-01-16*]

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

Through the course of implementing HAVA in North Dakota, it is the goal of the Secretary of State and county election officials to bring uniformity to the voting process in the state and to ensure all individuals have access to the election process. To ensure uniformity, each polling location in North Dakota will be equipped with an accessible voting system capable of notifying the voter if corrections are necessary to his or her ballot (known as second-chance voting) and allowing persons with disabilities, and others, to vote unassisted. All counties will be required to be in full compliance by January 1, 2006. These requirements are subject to voting system availability.

North Dakota is exempt from the National Voter Registration Act of 1993, along with the voter registration and certain provisional voting requirements contained in the Help America Vote Act of 2002.

Revised state law authorizes the creation of a centralized electronic voter database that will link the Secretary of State's office with county election officials' offices. The centralized database will provide a post Election Day tool for preventing and detecting voter fraud and generating accurate, up-to-date Election Day poll books.



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

Two separate committees were organized to complete drafting, advocate voter interest, and review the State Plan. Both committees were staffed and facilitated by the Secretary of State and the North Dakota Association of Counties.

**◆ STEERING COMMITTEE**

The Steering Committee researched and drafted the State Plan. Membership includes county election official representation from two large, two medium and two small population counties, with a cross-section of punch-card, paper ballot and optical scan voting equipment representation. Future membership of the Steering Committee shall consist of representation from the North Dakota Association of Counties, to include the HAVA Coordinator, the Secretary of State's office, and county election officials, representing large, medium, and small population counties, who are appointed by the North Dakota Association of County Auditors.

| | |
|---|---|
| Jim Silrum | Deputy Secretary of State |
| Danette Odenbach | HAVA Coordinator, North Dakota Association of Counties |
| Beth Innis | Williams County Auditor |
| Roy Steiner | Hettinger County Auditor |
| Valerie McCloud | Rolette County Auditor |
| Mike Montplaisir | Cass County Auditor |
| Sherry Hosford | Sargent County Auditor |
| Debbie Nelson | Grand Forks County Auditor |
| Terry Traynor | Assistant Executive Director, North Dakota Association of Counties |
| Bonnie Amble | Executive Assistant, North Dakota Association of Counties |

◆ STATE HAVA PLANNING COMMITTEE

The State HAVA Planning Committee represents a broad cross-section of interests and consists of eighteen members, including county and local officials, representation from the disabilities community, the technology sector, voter interest groups, along with everyday citizens. Future membership of the State HAVA Planning Committee shall consist of representation from local government, voter interest groups, and general citizens.

| | |
|---|---|
| Mike Montplaisir | Chairman, Cass County Auditor (most populous jurisdiction) |
| Kevin Glatt | Burleigh County Auditor (second most populous jurisdiction) |
| Ruth Graf | Kidder County Auditor |
| Edward McGough | Barnes County Auditor |
| Dennis Schlenker | League of Cities |
| David Blackstead | North Dakota School Board Association |
| Patty Carlblom | North Dakota County Commissioners |
| Corinne Hofmann | Protection and Advocacy |
| Jason Stverak | North Dakota Republican Party |
| Renee Pfenning | North Dakota Democratic NPL Party |
| Sue Tohm | League of Women Voters |
| Janelle Olson | People First of North Dakota |
| Phil Baird | North Dakota Indian Affairs Commission |
| Bruce Hagen | American Association of Retired People (AARP) |
| Steve Kelsch | North Dakota Association of Counties Information Technology |
| Dave Senger | Private Citizen |
| Betty Svihovec | Private Citizen |
| Roger Bailey | Private Citizen |
| ***FACILITATORS:*** | |
| Jim Silrum | Deputy Secretary of State |
| Danette Odenbach | HAVA Coordinator, North Dakota Association of Counties |
| Terry Traynor | Assistant Executive Director, North Dakota Association of Counties |
| Bonnie Amble | Executive Assistant, North Dakota Association of Counties |



**FOR MORE INFORMATION, CONTACT**

**Jim Silrum**
**Deputy Secretary of State**
State of North Dakota
600 East Boulevard Avenue Dept 108
Bismarck ND 58505
(701) 328-3660
jsilrum@state.nd.us

**Danette Odenbach**
**HAVA Coordinator**
ND Association of Counties
1661 Capitol Way
Bismarck ND 58501
(701) 328-7318
dodenbac@ndaco.org

[FR Doc. 04–27838 Filed 12–21–04; 8:45 am]
BILLING CODE 6820–YN–C

## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Notice

**AGENCY:** United States Election Assistance Commission.

**ACTION:** Notice of public meeting for the Technical Guidelines Development Committee.

**DATES AND TIME:** Tuesday, January 18, 2005 9 a.m.–5 p.m. and Wednesday, January 19, 2005 9 a.m.–5 p.m.

**PLACE:** National Institute of Standards and Technology, 100 Bureau Drive, Building 101, Gaithersburg, Maryland 20899–8900.

**STATUS:** This meeting will be open to the public. Due to security requirements advance registration is required. Registration information is available at *http://vote.nist.gov.* Advance reservation is available until January 12, 2005. There is no fee to attend.

**SUMMARY:** The Technical Guidelines Development Committee (the ''Development Committee'') has scheduled a plenary meeting for January 18 & 19, 2005. The Committee was established pursuant to 42 U.S.C. 15361(b)(1), to act in the public interest to assist the Executive Director of the Election Assistance Commission in the development of the voluntary voting system guidelines. The Committee held its first organizational meeting on July 9th, 2004. The purpose of this second meeting of the Committee will be to review and approve an outline plan to establish recommendations for voluntary voting system guidelines.

**CONTACT INFORMATION:** Allan Eustis 301–975–5099. If a member of the public would like to submit written comments concerning the Committee's affairs at any time before and after the meeting, written comments should be addressed to the contact person indicated above, or to *Voting@nist.gov.*

**DeForest B. Soaries, Jr.,**

*Chairman, U.S. Election Assistance Commission.*

[FR Doc. 04–28054 Filed 12–17–04; 4:03 pm]
BILLING CODE 6820–YN–M

## ENVIRONMENTAL PROTECTION AGENCY

**[OPP–2004–0228]; FRL–7370–5]**

### Pesticide Product; Registration Applications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments, identified by the docket identification (ID) number OPP–2004–0228, must be received on or before January 21, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Mike Mendelsohn, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address: *mendelsohn.mike@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2004–0228. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 South Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still