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 the HAVA State plans previously submitted by Montana, Nevada, and South Carolina.

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 fifty 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 Montana, Nevada, and South Carolina address material changes in the administration of their previously submitted 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. Montana is submitting a revised budget to address how the State plans to use its 2004 requirements payment. The State also references adjustments to voter education programs, to programs providing access to voters with disabilities, to provisional voting and voter identification processes, and to voting system requirements. Nevada and South Carolina are submitting revised budgets to account for the shortfall in the amount of requirements payments received. Montana's submission is the first amendment to the State's original plan. Nevada and South Carolina had filed amended State plans that were published in the **Federal Register** on September 30, 2004. 69 FR 58630.

Upon the expiration of thirty days from August 25, 2005, these States will be eligible to implement any material changes addressed in the plans that are published herein, in accordance with HAVA section 254(a)(11)(C). At that time, in accordance with HAVA section 253(d), Montana also may file a statement of certification to obtain a fiscal year 2004 requirements payment. This statement of certification must confirm that the State 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 the plans published herein 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 State election official of the individual States listed below.

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

Chief State Election Officials

Montana

The Honorable Brad Johnson, Secretary of State, P.O. Box 202801, Helena, MT 59620–2801, Phone: 406–444–4732, Fax: 406–444–2023, Email: *soselection@state.mt.us*.

Nevada

The Honorable Dean Heller, Secretary of State, 101 N. Carson Street, Suite 3, Carson City, NV 89701, Phone: 775–684–5705, Fax: 775–684–5718, Email: *nvelect@sos.nv.gov*.

South Carolina

Ms. Marci Andino, Executive Director, State Election Commission, P.O. Box 5987, Columbia, SC 29250–5987, Phone: 803–734–9060, Fax: 803–734–8366, E-mail: *elections@elections.sc.gov*.

Dated: August 17, 2005.

Gracia M. Hillman,

Chair, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–U

MONTANA SECRETARY OF STATE
Brad Johnson

Elections Bureau
(406) 444-5346
soselection@mt.gov

Montana State Capitol
2nd Floor, Room 260
P.O. Box 202801
Helena, MT 59620-2801

August 1, 2005

US Election Assistance Commission
Attn: EAC Chair, Gracia Hillman
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

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) this letter and the following amendments for publication in the *Federal Register*. The original plan and these new pages will constitute the 2003 Montana HAVA Plan as Amended.

As required by section 254(a)(12) of HAVA, the amendments describe the material changes that Montana has made to the 2003 Montana HAVA Plan.

After consulting with EAC staff, Montana is providing the amendments to the original 2003 Montana HAVA Plan, without the full text of the original Plan. Instead, we would direct the EAC and members of the public to the Secretary of State's website, http://sos.mt.gov/css/ELB/Hava.asp, to view the complete 2003 Montana HAVA Plan as Amended. The amendments are incorporated into the original plan.

The 2003 Montana HAVA Plan as Amended was developed in accordance with section 255 of HAVA and with the requirements for public notice and comment prescribed by section 256 of HAVA.

On behalf of the Montana Secretary of State's Office, I thank the Commission for its assistance and I look forward to our continued partnership to ensure fair elections.

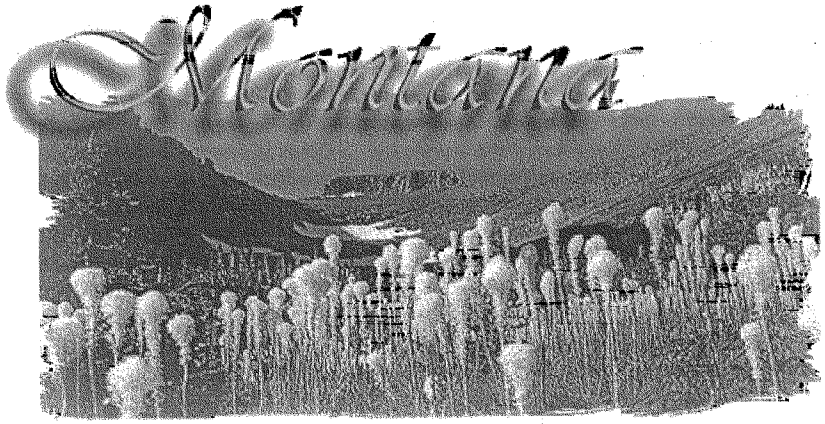
Sincerely,

Brad Johnson
Montana Secretary of State

FINAL

2003 Montana HAVA Plan

AS AMENDED



HELP AMERICA VOTE ACT OF 2002 (HAVA)

August 1, 2005

MONTANA
SECRETARY OF STATE
BRAD JOHNSON

2003 MONTANA HAVA PLAN AMENDMENTS

Section 301 Voting System Standards (page 8 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: Since the adoption of the 2003 Montana HAVA Plan, several counties have purchased precinct counters that notify voters if there are problems with their ballots. The secretary of state decided that the mailing of the Voter Information Pamphlet, which occurs at least 30 days before even-year general elections, would be sufficient to reach registered voters without a special mailing to all postal patrons. The state intends to meets the private and independent provision for verifying votes as completely as possible through the use of precinct counters and voting systems equipped for individuals with disabilities.

Planned Action: With current funds and the expected $7,446,803 Federal payment, the state will continue the activities referenced in the 2003 Montana HAVA Plan. The state will continue to assist counties in purchasing precinct counters. A major purchase will be the voting systems equipped for individuals with disabilities, to be located in each polling place. The systems will verify how voters cast their ballots, prevent overvotes and notify voters of undervotes, and will meet HAVA requirements.

Casting and Correcting Ballots (page 8 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The secretary of state facilitated voting by assisting counties with buying precinct counters. During the 2005 Legislature, the secretary of state successfully advocated legislation, in House Bill 177, to more clearly define whether a vote is counted and what constitutes an overvote and an undervote, and to clarify the challenge provisions in state law.

In a meeting in March 2005, the state Election Reform Advisory Committee suggested using Public Service Announcements (PSAs) to promote the correct way to mark a ballot, the importance of voting, and how voting machines work to make every vote count. Committee members discussed how ballot counting machines might read "hesitation marks" as a vote, undervote, or set the ballot aside to be interpreted by the appropriate committee, and suggested using more precinct count systems.

Planned Action: The state will continue to assist counties in purchasing precinct counters to alert voters to possible ballot errors, and will provide a more extensive program to educate voters on casting a vote correctly and on asking for a new ballot if they spoil their ballots.

Audit Capacity for Voting Systems (page 9 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The 2005 Legislature has enacted the requirement that any approved voting systems must use a paper ballot that allows votes to be manually counted, except that a direct recording electronic system that does not mark a paper ballot may be used to facilitate voting by a voter with a disability under certain conditions. These conditions allow for the possibility that a direct recording electronic system that uses a paper ballot may not have been certified by the federal election assistance commission by the time of the purchase of the system, or a direct recording electronic system that marks a paper ballot may not have been approved by the secretary of state by the time of purchase. In either of these cases, the system must still record votes in a manner that will allow the votes to be printed and manually counted or audited if necessary.

Planned Action: The state plans to purchase voting systems consistent with HAVA and the requirements above. Rules will be drafted that will be consistent with HAVA and state law.

Direct Recording Electronic Systems (page 9 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The purchase of voting systems equipped for individuals with disabilities and associated educational efforts have not yet occurred due to a requested and approved waiver until 2006. The voting system vendor fair in August 2005 will be essential to ensure the participation of people with disabilities (and the people who serve them) in the selection of the systems. Montana discussed the possibility of a buying pool with other states but determined that due to varying state laws this would not be feasible.

Planned Action: The secretary of state plans to purchase voting systems equipped for individuals with disabilities in the year 2005 for use in elections starting in 2006. Public outreach on the systems is being scheduled and our Communication Plan will assist the secretary of state in targeting and reaching influential people around the state for education on the systems. Information about the purposes and proper use of the systems will be included in educational events and materials.

Accessibility (page 10 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: Many of Montana's polling places meet requirements for physical access, a number which has increased through the assistance of organizations that serve people with disabilities. The secretary of state's office contracted with the Montana Advocacy Program to review polling places for accessibility and to assist counties in making their polling places more accessible. The secretary of state's office provided funding for the Montana Council on Developmental Disabilities to provide transportation to the polls on election day. The office also provided community-based organization grants to agencies that serve persons with disabilities to ensure that they could get the word out to their members and clients about accessibility. See Accessibility under Appendix C for relevant legislation.

In a meeting in March 2005, the state Election Reform Advisory Committee suggested the use of HAVA money to promote understanding and the need to make polling places accessible, especially county election offices. The committee discussed using funds for temporary accessibility accessories, as long as the main emphasis is on permanent accessibility.

Other specific suggestions included training election judges on the appropriate language and terms for communicating with persons with disabilities and on answering potential questions from persons with disabilities; training election judges on how things like moving a bench can make a polling place more accessible; training educators and students about the HAVA changes and the importance of accessibility; using the secretary of state's office to recruit, train, and oversee people to help with the systems equipped for individuals with disabilities; and training for use of CPR and defibrillators at polling places.

Planned Action: The state will, as fully as possible, implement the recommendations of the Election Reform Advisory Committee through training, rules and/or handbooks.

The state will continue to contract with the Montana Advocacy Program to train counties in completing accessibility surveys and ADA self-evaluation. The secretary of state's office will provide grants for the counties for consulting services, polling place accessibility, and additional education. We will work closely with Independent Living Centers and other organizations that serve people with disabilities and senior citizens to secure and train election judges who are members of these groups and who work with members of these groups. We will provide funds to employ election judges who are specially trained to assist the elderly and people with disabilities.

At the suggestion of advocates for senior citizens, we will recommend the increased use of assisted living centers as polling places, in order to better serve the aging population of Montana. We will also encourage election administrators to continue to issue duplicate voter cards, which are accepted as identification, to people who may have lost them. We intend to work with senior citizen focus groups to "field test" new programs as applicable.

Error Rates (page 10 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No changes.

Planned Action: We will as necessary draft rules specifying machine error rates.

Rules and Laws (pages 10-11 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: See Rules and Laws under Appendix C for relevant legislation.

Planned Action: Rules are necessary and will be written to implement new legislation and to specify the requirements for the statewide voter registration database and for systems equipped for individuals with disabilities.

Section 302 Provisional Voting and Voting Information Requirements (pages 11-12 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The secretary of state requested and received a waiver until 2006 for the statewide voter registration database, so this has not yet been used to verify provisional voters. However, the secretary of state contracted with the state Motor Vehicle Division to verify driver's license numbers given by people at the polling places as part of their form of identification. This was quite successful in reducing the number of provisional ballots. Counties notified voters in person, by mail and/or by phone to inform them whether their votes were counted.

Planned Action: The state will continue the actions specified in the 2003 Montana HAVA Plan and will implement the changes to the provisional and identification voting process mandated by the 2005 Legislature. The state will work to ensure that all counties are following the posting requirements of HAVA by again sending all counties a list of those requirements.

Section 303 Computerized Statewide Voter Registration List (pages 12-13 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The state has selected a vendor for the statewide voter registration system and is determining technical requirements.

Planned Action: The secretary of state will implement the required system by January 1, 2006. This will occur through regional trainings, opportunities for all counties to voice concerns, comments, and support for the system, testing of the system, and on-site installation of the system.

Section 303 (b) Requirements for Voters Who Register by Mail (page 14 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No material changes.

Planned Action: No material changes.

Requirements Payments (pages 14-15 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The state followed the procedures in the 2003 Montana HAVA Plan, with minor changes consistent with HAVA provisions, as described in the amendments to the Budget Breakdown.

Planned Action: The state will make minor changes in its spending, consistent with HAVA provisions. These changes are detailed in the Planned Action section of the Budget Breakdown.

Programs for Voter Education, Election Official Education Training, and Poll Worker Training (pages 15-17 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The secretary of state provided grants of $5,000 each to over 90 community-based organizations to assist with education. After consideration, the state chose not to develop a "history trunk," did not include HAVA information in utility bills, and did not send a flyer to all postal patrons regarding HAVA, because ongoing efforts were determined to be sufficient.

Planned Action: The secretary of state will continue the efforts in the 2003 Montana HAVA Plan and intends also to develop a civics curriculum in order to educate young people about the importance of civic participation and voting. The state does not plan to award additional grants to community-based organizations. Our Communication Plan will assist us in targeting groups for education outreach, especially regarding new voting systems equipped for people with disabilities.

Voting System Guidelines (pages 17-18 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The Montana Legislature adopted new standards and requirements regarding voting systems.

Planned Action: The secretary of state will write system standards and adopt any other necessary system standards through the rulemaking process. The state will adopt additional rules clarifying whether a vote is counted.

HAVA Election Fund (page 18 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No changes.

Planned Action: No changes.

HAVA Budget (pages 18-19 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No changes.

Planned Action: The state is requesting additional funding in the amount of approximately $7,446,803 for upcoming HAVA expenses.

Voting Accessibility (page 19 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The estimate of $350,000 was nearly exact. The cost of replacing county punch card systems was $360,000. The voting systems equipped for individuals with disabilities have not yet been purchased.

Planned Action: The state has completed the punch-card buyout. Our current estimate of the cost of voting systems equipped for individuals with disabilities is $2,800,000, all of which is expected to come from our original $9,150,000 Federal payment. Additional costs are estimated at $500,000 and will come from our expected $7,446,803 Federal payment. Costs for assessing and implementing polling place accessibility are estimated at $2,000,000 and will also come from the expected $7,446,803 Federal payment.

Provisional Balloting (pages 19-20 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No material changes.

Planned Action: The state will continue to implement provisional balloting. The state will especially assist counties in ensuring their continuing familiarity with the polling place elector identification form, used for electors who do not provide another form of identification.

Voter Education, Election Official and Poll Worker Training (page 20 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The state spent a total of approximately $1,435,989.37 on Voter Education, Election Official and Poll Worker Training. This included community-based organization grants, HAVA trainings across the state, an extensive media campaign, and voter education activities at popular events.

Planned Action: We intend to continue most of the activities specified in the 2003 Montana HAVA Plan. We do not plan to award additional grants to community-based organizations. We are drafting a Communication Plan to target and reach groups and organizations to give them new election information, especially regarding new voting systems equipped for persons with disabilities.

The total to be spent from the $9,150,000 Federal payment for these activities is approximately $177,233.56. The total to be spent from the expected $7,446,803 Federal payment for these activities is approximately $500,000.00.

Statewide Voter Management System (pages 20-21 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: Initial expenditures for the statewide voter system, known as Montana Votes, have been approximately $1,003,593.87.

Planned Action: The state plans to use $2,800,000 of the current $9,150,000 Federal payment to pay for the system. The state plans to use $1,500,000 of the expected $7,446,803 Federal payment to pay for ongoing maintenance and training.

Precinct Counters Matching Funds (page 21 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The state spent a total of approximately $440,887.30 to help counties to purchase precinct counters.

Planned Action: The state plans to use $1,400,000 of the expected $7,446,803 Federal payment to assist counties in the ongoing purchases of precinct counters.

Administration costs (page 21 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The state used its match money of $205,500 to pay for administrative costs. We used additional HAVA funds totaling approximately $132,295.90 to pay for additional administrative costs, including staffing and associated expenses.

Planned Action: The expected $7,446,803 Federal payment will require approximately $391,937 in match money. This match will be provided through counties paying a portion of costs of precinct counters. The state plans to use approximately $200,000 of the expected $7,446,803 Federal payment for additional administrative costs.

Maintenance of Systems and the "What-Ifs"(page 21 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The state plans to use all of the $9,150,000 Federal payment on the activities specified.

Planned Action: As noted above, the state will use all of the $9,150,000 Federal payment. The state plans to have approximately $1,346,803 of the expected $7,446,803 Federal payment left over for ongoing maintenance not covered elsewhere in the budget and for other ongoing expenses.

Budget Breakdown: (page 21 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan:

APPROXIMATE ACTUAL BUDGET BREAKDOWN:

Voting Accessibility: $360,000.00
Voter Education, Election Official and Poll Worker Training: $1,435,989.37
Statewide Voter Management System: $1,003,593.87
Precinct Counter Matching Funds: $440,887.30
Administration Costs: $132,295.90

TOTAL ACTUAL BUDGET EXPENSES: $3,372,766.44
MONEY LEFT IN ACCOUNT (for future needs): $5,777,233.56, plus interest

Planned Action:

2003 HAVA PLAN AS AMENDED ESTIMATED BUDGET BREAKDOWN:

$9,150,000 FUNDS (Approximate Amount Remaining: $5,777,233.56, plus interest)

Voting Accessibility: $2,800,000.00
Voter Education, Election Official and Poll Worker Training: $177,233.56, plus interest
Statewide Voter Management System: $2,800,000.00
Precinct Counter Matching Funds: $0.00
Administration Costs: $0.00

TOTAL ESTIMATED BUDGET EXPENSES: $5,777,233.56
MONEY TO BE LEFT IN ACCOUNT (for future needs): $0.00

$7,446,803 EXPECTED FUNDS:

Voting Accessibility: $2,500,000.00
Voter Education, Election Official and Poll Worker Training: $500,000.00
Statewide Voter Management System: $1,500,000.00
Precinct Counter Matching Funds: $1,400,000.00
Administration Costs: $200,000.00
TOTAL ESTIMATED BUDGET EXPENSES: $6,100,000.00
MONEY TO BE LEFT IN ACCOUNT (for future needs): $1,346,803.00, plus interest

Maintenance of Expenditures (pages 21-22 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No change.

Planned Action: The secretary of state will maintain expenditures at a level equal to or greater than the level of such expenditures in state FY 2000. The secretary of state and counties will also continue to provide maintenance of effort.

Performance Goals and Measures (pages 22-26 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The survey on provisional ballots used county results instead of precinct results, due to the low number of provisional ballots and to avoid the possibility of voter secrecy being compromised in certain precincts. The public was not surveyed to determine their awareness of their voting rights and responsibilities; the low incidence of difficulties at the polling places indicated that their level of awareness was quite high.

After the initial 2004 primary election survey, Montana added more detailed questions for the 2004 general election survey, at the suggestion of interested groups. These questions helped the state to get an even more detailed picture of the election than was requested by the federal government in a similar election survey.

Planned Action: We will continue to satisfy the performance measures detailed in the 2003 Montana HAVA Plan and will satisfy the performance measures listed in the Plan that are coming due in the future.

Administrative Complaint Procedures (pages 26-27 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No material changes.

Planned Action: No material changes.

Activities Under Title I Payments (pages 27-28 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The secretary of state did not act as contract administrator for purchases of systems to replace punch-card machines due to potential variations in the systems desired by the counties. The secretary of state is in the process of implementing the statewide system discussed in the plan, by the applicable deadline.

Planned Action: The secretary of state will implement the required statewide voter management system by January 1, 2006, through planned trainings, opportunities for all counties to voice concerns, comments, and support for the system, extensive testing of the system, and on-site installation of the system in each county.

Ongoing Management of HAVA Plan (page 28 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: The secretary of state conducted a meeting in November 2003 to review the standards and goals of the 2003 Montana HAVA Plan, reviewed Plan procedures at an annual convention of election officials in September 2004, and conducted

meetings on March 17, 2005, and June 3, 2005 with Election Reform Advisory Committee members and county election administrators to solicit and review proposed amendments to the 2003 Montana HAVA Plan. This 2003 Montana HAVA Plan As Amended was submitted for public comment for at least 30 days.

Planned Action: This 2003 Montana HAVA Plan As Amended will be submitted for publication in the Federal Register.

Changes from the State Plan for the Previous Fiscal Year (page 29 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: This 2003 Montana HAVA Plan As Amended is the update to the 2003 Montana HAVA Plan.

Planned Action: Summaries of the 2003 Montana HAVA Plan successes are attached as Appendix C. The state will submit the 2003 Montana HAVA Plan As Amended for publication in the Federal Register.

Election Reform Advisory Committee and Procedures Followed by the Committee (pages 29-30 of 2003 Montana HAVA Plan)

Amendments to the 2003 Montana HAVA Plan: No material changes.

Planned Action: The state will announce the locations where this 2003 Montana HAVA Plan As Amended is available and will again ask media groups to publish the plan or announce its availability. Additionally, as part of the Communication Plan adopted by the state we will contact the interested parties identified in that plan and advise them of the plan's availability.

Appendix A

Amendments to the 2003 Montana HAVA Plan: No material changes.

Planned Action: The state has met or is on schedule to meet the requirements specified in Appendix A.

Appendix B

Amendments to the 2003 Montana HAVA Plan: The following bills relevant to HAVA passed during the 2005 legislature:

House Bill 177: http://data.opi.state.mt.us/bills/2005/billhtml/HB0177.htm
House Bill 297: http://data.opi.state.mt.us/bills/2005/billhtml/HB0297.htm
Senate Bill 88: http://data.opi.state.mt.us/bills/2005/billhtml/SB0088.htm
Senate Bill 302: http://data.opi.state.mt.us/bills/2005/billhtml/SB0302.htm
Senate Bill 500: http://data.opi.state.mt.us/bills/2005/billhtml/SB0500.htm

Planned Action: The state will advocate legislation as needed in the future that is consistent with the provisions of HAVA.

Description of How Montana Succeeded in Carrying Out the 2003 Montana HAVA Plan

Section 301 Voting System Standards: Montana assisted a number of counties in purchasing precinct counters and initiated a statewide voter education program consistent with the goal of educating voters to request a new ballot if they overvoted or spoiled their ballots. Voter education materials were made available on request in multi-accessible formats and HAVA information was placed on the secretary of state's website. The secretary of state worked with county election administrators to ensure that they continued to provide instructions to voters that were tailored for each system used by the voters. Voter education information specific to HAVA was placed in the first few pages of the Voter Information Pamphlet sent to all voters.

Casting and Correcting Ballots: The state has continued to follow the procedures in the 2003 Montana HAVA Plan and has strengthened its policies by purchasing precinct counters and through education programs. During the 2005 Legislative Session, the secretary of state successfully advocated legislation, in House Bill 177, to more clearly define whether a vote is counted, to define overvotes and undervotes, and to clarify the challenge provisions in state law.

Audit Capacity for Voting Systems: 2005 Legislative Update: Under HB 297, the 2005 Legislature has enacted the requirement that any approved voting systems must use a paper ballot that allows votes to be manually counted, except that a direct recording electronic system that does not mark a paper ballot may be used to facilitate voting by a voter with a disability under certain conditions. These conditions allow for the possibility that a direct recording electronic system that uses a paper ballot may not have been certified by the federal election assistance commission by the time of the purchase of the system, or a direct recording electronic system that marks a paper ballot may not have been approved by the secretary of state by the time of purchase. In either of these cases, the system must still record votes in a manner that will allow the votes to be printed and manually counted or audited if necessary.

Direct Recording Electronic Systems: Plans are in place to select a vendor for voting systems equipped for individuals with disabilities and to implement the systems statewide.

Accessibility: In regard to access for the disabled, the secretary of state's office continued the ongoing efforts specified in the plan; contracted with the Montana Advocacy Program, which advocates for persons with disabilities, to provide funds and consulting services to help make more polling places accessible; and provided funding for the Montana Council on Developmental Disabilities to provide transportation to the polls on election day. We also provided community-based organization grants to agencies that serve persons with disabilities to ensure that they could get the word out to their members and clients about these options. The secretary of state's office continued to provide alternative language accessibility and educated the public and election officials regarding HAVA accessibility requirements.

2005 Legislative Update: The Legislature passed Senate Bill 500, requiring that polling places approved on or after the effective date of SB 500 must comply with the accessibility standards in the Americans with Disabilities Act of 1990. The bill also provides that when an elector with a disability enters a polling place, an election judge will ask the elector if the elector wants assistance, and it allows election officials to accept a number of substitutes in place of a signature from an elector with a disability. Another bill, Senate Bill 88, which allows electors to request that absentee ballots be sent to them automatically, may especially help facilitate voting by individuals with disabilities.

Error Rates: Our error rates currently comply with the applicable error rate standards.

Rules and Laws: The Elections Task Force Committee proposed rules to define what constitutes a vote, and revised the voter registration forms to meet HAVA requirements. The legislative bills mentioned in the 2003 Montana HAVA Plan were implemented successfully through numerous meetings with county election administrators, changes to applicable forms, directives to county election administrators, and extensive training and education.

2005 Legislative Update: The 2005 Legislature passed a number of bills to amend laws applicable to HAVA, including those discussed under Casting and Correcting Ballots, Audit Capacity for Voting Systems, and Accessibility. Additionally, pursuant to Senate Bill 302, as of July 1, 2006, people who do not register before the 30-day period before an election will be allowed to register and vote at the election administrator's office. Also, legally registered electors who do not provide identification and who do not fill out a verified identification form will have their votes counted if the county election administrator can verify their signature on their provisional ballot from their signature on file.

Section 302 Provisional Voting and Voting Information Requirements: County election administrators assisted with the trainings on provisional and identification voting and produced materials for use by counties. The provisional voting and identification requirements were fully implemented, with few concerns brought to the attention of the secretary of state, and the county election administrators and county election judges were trained extensively on the applicable procedures. The secretary of state produced and arranged for the airing of a series of related Public Service Announcements and provided grants to over 90 community-based organizations to provide information to their membership, their clients, and the general public.

The secretary of state prescribed forms for the counties to use in providing information to voters about casting regular and provisional ballots, information about identification, and general information on voting rights and federal and state law, and developed sample provisional voting instructions for counties to give to each provisional voter. The secretary of state developed a poster sent to county election administrators for all polling locations to provide information about the identification requirements.

The secretary of state contracted with the state Motor Vehicle Division to verify driver's license numbers given by people at the polling places as part of their form of identification. This was quite successful in reducing the number of provisional ballots. Counties notified voters in person, by mail and/or by phone to inform them whether their votes were counted.

Section 303 Computerized Statewide Voter Registration List: All current plans for the system are consistent with the intentions stated in the 2003 Montana HAVA Plan. The state has selected a vendor and is in the process of testing the system.

Section 303 (b) Requirements for Voters Who Register by Mail: This part of the plan was fully implemented. At the suggestion of advocacy groups, the state revised the first amended form to specifically list all the acceptable forms of identification. Montana required identification of all voters, and the form states this requirement.

Requirements Payments: The state followed the 2003 Montana HAVA Plan, with minor changes consistent with HAVA provisions, as described in the amendments to the Budget Breakdown.

Programs for Voter Education, Election Official Education Training, and Poll Worker Training: The state has engaged in almost all of the activities proposed in the 2003 Montana HAVA Plan, conducting extensive election administrator and election judge trainings and saturating the airwaves with information about identification and provisional voting. The secretary of state provided grants of $5,000 each to over 90 community-based organizations to assist with education efforts. All counties received training videos and were offered and generally accepted in-person training. The secretary of state worked with educators to ensure that students and educators were aware of the changes to state and federal laws.

Voting System Guidelines: The secretary of state's office is on schedule for implementation of voting systems equipped for individuals with disabilities in 2006. The secretary of state continues to meet most of the voting system requirements and will continue to create new procedures for standards under HAVA. The secretary of state has adopted language on what constitutes a vote.

HAVA Election Fund: As noted in the 2003 Montana HAVA Plan, the secretary of state created an account for HAVA funds, and all spending of such funds has been in accordance with state and federal law.

HAVA Budget: Spending has been consistent with the budget in the 2003 Montana HAVA Plan, with material amendments specified in the 2003 Montana HAVA Plan As Amended.

Maintenance of Expenditures: The secretary of state maintained expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures in state FY 2000. The secretary of state and counties provided maintenance of effort.

Performance Goals and Measures: The secretary of state fully implemented the punch card buyout, is in the process of selecting vendors for voting systems equipped for individuals with disabilities, selected a vendor for the statewide voter registration management system, implemented provisional balloting and surveys, and actively educated voters, election officials, and poll workers. Turnout was up 11 percent from the last presidential general election, and more voters cast ballots in the 2004 general election than ever before in Montana.

Administrative Complaint Procedures: The procedures were fully implemented by rules, with minor amendments.

Activities Under Title I Payments: As proposed in the plan, the secretary of state worked with county election administrators in the five remaining counties still using punch-card machines to replace the machines with optical-scan systems. The secretary of state is in the process of implementing the statewide voter registration management system discussed in the plan, by the applicable deadline.

Ongoing Management of HAVA Plan: The secretary of state conducted a meeting in November 2003 to review the standards and goals of the HAVA plan, another in September 2004 to further review state and county progress on HAVA, and conducted meetings on March 17, 2005 and on June 3, 2005 with Election Reform Advisory Committee members and county election administrators to solicit and review proposed amendments to the 2003 Montana HAVA Plan.

Changes from the State Plan for the Previous Fiscal Year: The 2003 Montana HAVA Plan As Amended is the update to the 2003 Montana HAVA Plan.

Election Reform Advisory Committee and Procedures Followed by the Committee: In addition to the steps outlined in the 2003 Montana HAVA Plan and completed at the time of the adoption of the Plan, the secretary of state announced the locations where the Plan was available and asked media groups to publish the plan or announce its availability as a public service announcement.

Appendix A: The state met or is on schedule to meet the requirements specified in Appendix A.

Appendix B: The secretary of state advocated legislation to better implement the provisions of HAVA.

DEAN HELLER
Secretary of State

RENEE L. PARKER
Chief Deputy Secretary of State

PAMELA A. RUCKEL
Deputy Secretary for Southern Nevada

STATE OF NEVADA

OFFICE OF THE
SECRETARY OF STATE

CHARLES E. MOORE
Securities Administrator

SCOTT W. ANDERSON
Deputy Secretary for Commercial Recordings

ELLICK C. HSU
Deputy Secretary for Elections

August 1, 2005

Gracia Hillman
Chair
U.S. Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005

Re: Nevada's State Plan for FY 2005-2006

Dear Chairwoman Hillman:

Nevada hereby submits to you the State Plan for FY 2005-2006 it has developed pursuant to § 254 of the Help America Vote Act of 2002, P.L. 107-252 (HAVA).

We thank you in advance for arranging for publication in the Federal Register pursuant to § 255 of HAVA.

Please send confirmation that you have received the Plan, and feel free to contact me if you have any questions or concerns.

Respectfully,

DEAN HELLER
Secretary of State

Ellick C. Hsu

Ellick C. Hsu, Esq.
Deputy Secretary for Elections

Cc: Peggy Sims, Election Assistance Commission (*By E-Mail: psims@eac.gov*)

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(NSPO, Rev. 12-04) (O) 432

State of Nevada

Fiscal Year 2005-2006

State Plan

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

Office of the Nevada Secretary of State
101 N. Carson Street, Suite 3
Carson City, NV 89701
July 17, 2005

STATE OF NEVADA
FISCAL YEAR 2005-2006
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 affect 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 first 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 year, the State amended the Plan for FY 04-05, and after expiration of the public comment period, adopted it in July 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 2004-05 plan. Like the FY 2004-05 plan, this State Plan (FY 05-06) was created under the direction of Secretary of State Dean Heller through a State Plan Advisory Committee (Advisory Committee). Nevada's FY 05-06 Plan continues to build on the framework established in previous Plans 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 continue to 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. From the last Plan, the number of registered voters in the State increased by approximately 200,000, and currently, the State has approximately 1.2 million registered voters spread throughout its 17 counties. Moreover, more than 1,500 state, county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

All 17 counties in the State use Direct Recording Electronic (DRE) voting machines at the polling places and optical scan machines for absentee voting. Nevada's 16 counties that previously used punchcards or optical scan voting systems use DRE machines fitted with voter verifiable paper trail printers exclusively, and one county, which already had DRE machines, uses DRE machines with voter verifiable paper trail printers, along with DRE's of an earlier design that cannot accommodate the new paper trail printers. In response to the requirements outlined in HAVA, the State took steps to substantially upgrade the existing voting systems, redesign processes and provide updated and continual training for election administrators and the citizens of the State. Secretary of State Dean Heller took the first step toward achieving these goals in December 2003 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. The Secretary of State also issued a proclamation decertifying all punch-card voting machines in Nevada as of September 1, 2004. Nevada led the nation in the 2004 Presidential Election as the first state to implement DRE voting machines with voter verifiable paper trail printers. Nevada is on target to have its statewide voter registration system in place by January 1, 2006, as required by HAVA. Although Nevada is diligently working on meeting the requirements of HAVA within its ambitious timelines, continued meaningful election reform 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 05-06 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 continue to be 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 05-06 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 and the priorities given to particular projects may be altered from the information contained in this FY 05-06 Plan.

III. NEVADA'S STATE PLAN

A. 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)[1], 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. 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. As stated above, the State has implemented a uniform DRE voting system for polling places throughout the state, though not all the DRE machines are able to be fitted with the voter verifiable paper trail printers, and a uniform system for absentee voting throughout the State. The voting system replacement was accomplished in September of 2004, in time for the 2004 Primary Election, and the new machines were used successfully in the 2004 General Election and in subsequent municipal elections.

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

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

2. **Provisional Voting and Voting Information Requirements**
Section 302 requires the establishment of provisional voting and the posting of voting information at polling places by January 1, 2004. Under this section, no waiver 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[2] that were adopted meet the requirements of Section 302.

The State used 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, and will continue to make enhancements to the free access system in preparation for the 2006 federal elections. The State also continues to use requirements payments to develop procedures for provisional voting and to plan and conduct 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.[3] Nevada's "Voters' Bill of Rights[4]" 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 county clerks designed and printed the materials to be posted in the 2004 elections, and depending on the availability of funds,the State anticipates using requirements payments to defray the cost of developing, printing and posting this information in the upcoming election cycle.

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

See Nevada Revised Statutes (NRS) Sections 293.3081 through 293.3086, inclusive.
See NRS 293.3025.
See NRS 293.2543 through 293.2549, inclusive.

a. Statewide Voter Registration System (SVRS)

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 has purchased a compliant voter registration system to be implemented statewide and administered by the Secretary of State. The Secretary of State selected a vendor, and by adhering to an expedited design and implementation process, the statewide voter registration system is on target for completion by January 1, 2006.In accordance with Section 303(d)(1)(B) of HAVA, the State submitted its certification 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. The statewide voter registration 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 is 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.

b. Requirements for Voters Who Register by Mail

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[5] 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. The 2005 Session of the Nevada State Legislature has recently adjourned and the Secretary of State will continue to review the Plan in light of recently passed legislation and update the Plan accordingly.

[5] See NRS293.272 and 293.2725

4. 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[6] ("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 anticipated the need for additional technology and elections personnel in the office of the Secretary of State to ensure continued compliance with HAVA, and has filled some of the necessary positions, with the intent for additional positions to be added in late 2005 and 2006. The State will use requirements payments to fund these positions.

B. 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.

To the extent that the decision is made to distribute requirements payments to units of local government and other entities for carrying out the activities described in Section 254(a)(1), 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.

If requirements payments are so distributed, 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 may include, without limitation: (a) requiring the recipient to prepare and submit comprehensive timely 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.

C. Voter Education, Election Official and Poll Worker Training

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

1. 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

[6] Public Law 336 of the 101st Congress, enacted July 26, 1990.

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 was 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. The Secretary of State partnered with private organizations and successfully published and distributed over 125,000 *Easy Voter Guides* statewide, in both English and Spanish. We anticipate conducting the *Easy Voter Project* again for the 2006 elections, as well as renewing partnerships with other entities, as discussed below.

Another voter outreach project the Secretary of State's office worked 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 to24 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* focused its attention in the 2004 presidential election season.

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

2. 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 worked with local election officials and the voting machine vendor to produce training standards to be implemented statewide for training election officials and poll workers,

such process being incorporated as part of the contract with the vendor for the new statewide voting system. Implementation of election official and poll worker training plans was a significant focus of the contract and the implementation process. All poll workers are required to adhere to these standards, and the Secretary of State intends to continue the process of updating the standards, developing new methods, and improving on the curriculum and training opportunities available to Nevada's pollworkers.

D. 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.

E. 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 works closely 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.

F. 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
2006	$0	$0	$0
Total	$3.02 billion	$21.2 million	$865,375

Because the actual level of funding that will be authorized through FY year 2005-2006 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 2006 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:

--Develop strategies to obtain funding, to the extent available, to provide additional touch screen systems for Clark County that are fitted 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:

--$4 to $5 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 and develop enhancements to 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.

G. 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 FY 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 the State's fiscal years 2001, 2002, 2003, 2004 and 2005 and are anticipated to increase in FY 06.

The Secretary of State's budget for FY 2005 for the Elections Division was approximately $410,000, and the proposed budget in FY 06 is approximately $299,000. 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 FY 2006 will still exceed $250,000.

H. 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 or other strategies)
--complaints against poll workers
--complaints received versus complaints resolved
--ADA compliance

These criteria were developed through the State Planning Process.

I. 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[7]. 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.

[7] See Appendix Afor copy of Administrative Complaint Procedure.

J. 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.

K. 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 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 meetings as deemed necessary to address HAVA related issues and keep current on the State's progress toward implementation of HAVA. 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.

L. 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 in that plan year and continued to progress toward implementation through the FY 2004-05 and current plan year. This FY 2005-06 State Plan incorporates the same basic theme as the FY 03-04 and the FY 04-05 plans, 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 and state funding changes, progress on implementation activities and development of new projects, and maintenance of efforts updates.

M. Committee Description and Development of State Plan

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

The State's Advisory Committee consists of fourteen (14) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders[8]. 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., Privacy Strategist, IBM (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
Joshua Hicks, Esq., Senior Deputy Attorney General (Appointee of Attorney General Brian Sandoval)
Linda Law, Policy Analyst & Legislative Liaison for the Governor (Appointee of Governor Kenny Guinn)
Larry Lomax, Clark County Registrar of Voters
Renee L. Parker, Esq., Chief Deputy Secretary of State
Barbara Reed, Douglas County Clerk
Tony F. Sanchez, III, Esq., President, Latin Chamber of Commerce; Partner, Jones Vargas Law Firm

[8] See Appendix B for Advisory Committee biographies and party affiliations.

Dr. Richard Siegel, President, ACLU of Nevada
Monica Simmons, Henderson City Clerk
Scott Wasserman, Esq., Chief Deputy Legislative Counsel (Appointee of Assembly Speaker Richard Perkins)

Advisory Committee Staff in the Office of the Secretary of State and their qualifications are as follows:

Ellick C. Hsu, Esq., Deputy Secretary of State for Elections
Ronda L. Moore, Esq., State HAVA Coordinator
Lin Nary, Committee Secretary, Administrative Assistant

To develop this FY 05-06 State Plan, the State Advisory Committee members, with the assistance of Staff, individually proposed revisions necessary to update the plan to reflect current circumstances and met on July 19, 2005 to review the draft incorporating the proposed revisions, to consider comments submitted by the public, and to formally adopt the final plan.[9] Committee meetings were publicly held and noticed in accordance with Nevada's Open Meeting Law.[10]

The FY 05-06 State Plan was made available for public inspection and comment for a 31-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 17, 2005, in his offices, on his website, in the Nevada State Library, at all main county libraries throughout the State, all city and county clerks' 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 18, 2005. 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 19, 2005.

[9] See Appendix C for corresponding meeting agenda.
[10] Chapter 241 of the Nevada Revised Statutes.

APPENDIX A
Administrative Complaint Procedure
NAC 293.500 – 293.560, inclusive

COMPLAINTS ALLEGING VIOLATION OF TITLE III OF HELP AMERICA VOTE ACT OF 2002

NAC 293.500 Definitions. (NRS 293.124, 293.4685) As used in NAC 293.500 to 293.560, inclusive, unless the context otherwise requires, the words and terms defined in NAC 293.505 and 293.510 have the meanings ascribed to them in those sections.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.505 "Complainant" defined. (NRS 293.124, 293.4685) "Complainant" means a person who files a complaint with the Secretary of State pursuant to NAC 293.515.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.510 "Respondent" defined. (NRS 293.124, 293.4685) "Respondent" means a state or local election official against whom a complaint is filed pursuant to NAC 293.515.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.515 Filing; form; delivery of copy to respondents. (NRS 293.124, 293.4685)
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 is filed.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.520 Review; dismissal and refiling. (NRS 293.124, 293.4685)
1. The Secretary of State or his designee will review each complaint filed pursuant to NAC 293.515 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 NAC 293.515.

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 NAC 293.515, 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 NAC 293.515.

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.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.525 Consolidation; official record. (NRS 293.124, 293.4685)

1. The Secretary of State may consolidate complaints filed pursuant to NAC 293.515 if the complaints relate to the same action or event or raise a common question of law or fact. The Secretary of State will notify all interested parties if two or more complaints have been consolidated.

2. The Secretary of State will compile and maintain an official record in connection with each complaint filed pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.530 Hearing: Request; date; notice; nature. (NRS 293.124, 293.4685)

1. A complainant may request in a complaint filed pursuant to NAC 293.515 that the Secretary of State hold a hearing on the complaint.

2. If a complainant requests a hearing in accordance with subsection 1, the Secretary of State or his designee will conduct a hearing on the complaint, unless the complaint is dismissed pursuant to NAC 293.520. 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 in accordance with 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.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.535 Hearing: Hearing officer; procedure. (NRS 293.124, 293.4685)

1. Except as otherwise provided in this subsection, the Secretary of State or his designee will act as the hearing officer for a hearing held pursuant to NAC 293.530. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint a designee who is an independent professionally qualified person 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 at the hearing 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.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.540 Review and determination when no hearing requested. (NRS 293.124, 293.4685) If a complainant has not requested a hearing on a complaint filed pursuant to NAC 293.515, 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.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.545 Remedial action or dismissal; issuance of final determination. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, 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 NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, 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 NAC 293.550, 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.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.550 Proceedings for alternative dispute resolution. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee does not render a final determination on a complaint filed pursuant to NAC 293.515 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 proceedings for alternative dispute resolution by:

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

(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 are 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 A
Administrative Complaint Procedure
NAC 293.500 – 293.560, inclusive

2. The arbitrator or arbitration panel may review the record compiled in connection with the 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 NAC 293.545. 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.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.555 Final determination or resolution not subject to appeal. (NRS 293.124, 293.4685) A final determination of the Secretary of State or his designee pursuant to NAC 293.535, 293.540 or 293.545 or the final resolution of an arbitrator or arbitration panel pursuant to NAC 293.550 is not subject to appeal in any state or federal court.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.560 Assistance in using procedures. (NRS 293.124, 293.4685) The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in NAC 293.500 to 293.560, inclusive.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

APPENDIX B
Advisory Committee Biographies and Party Affiliations

NAME	TITLE ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Brooks, LaVonne	Executive Director, High Sierra Industries (HSI)	Democrat	Bachelor and Master in Organizational Management and Development. First Hispanic Female appointed to serve as a City of Reno Planning Commissioner and appointed to serve as Vice Chair on the Governor's Task Force for Provider Rates in 2001 & 2002. Prior to joining HSI, LaVonne worked for an international consulting firm for 2 years and spent 14 years with a computer manufacturing company. She then owned her own training & development company specializing in improving performance through computer upgrades.
Burk, Dan	Registrar of Voters, Washoe County	Nonpartisan	B.A. in Public Administration, U of North Texas (1970). M.A. in History, U of Northern Colorado (1977). Dan has worked for over 25 years in all aspects of election procedures. Currently the Washoe County Registrar of Voters (since 1998), Dan previously served in many election positions in Oregon, where he was the Director of Records and Elections in Benton County for 18 years and conducted Oregon's first vote-by-mail election in 1980. He also served as the Local Government Liaison Officer for the Oregon Secretary of State's Office, and was a member of Oregon State's Committee for the Implementation of the American Disabilities Act regarding Oregon's standards for handicapped access to polling locations. In 2002, Dan earned the prestigious designation of Certified Election and Registration Administrator (CERA Certification) from the National Elections Center and Auburn University, the first election official in Nevada to have been so honored.
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 as a planning specialist 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. In addition to his one-year term at UNLV, Guinn served the state in leadership roles on several committees. He was elected Governor of Nevada in 1998.
Appointment: Linda Law	Policy Analyst and Legislative Liaison to Governor Guinn		Degree in Business and Finance from WNCC and has completed additional courses in Accounting, Statistics and Computer applications. Linda has been involved with the Nevada State Legislature since 1977, serving as a member of the legislative staff for three years and on the staff in the Research Division of the Legislative Counsel Bureau for seven years, as well as lobbying on various issues during three sessions, and has worked as Legislative Liaison for Governor Guinn's office since February of 2000. Previously, Linda owned a computer and consulting business for 10 years and was a licensed real estate professional. She was an Officer and Member of the founding board of the Boys and Girls Club of Western Nevada, and holds a current private pilot license.
Heller, Dean	Secretary of State	Republican	B.A. in Business Administration, specializing in finance and securities analysis from USC in 1985. Assemblyman in the Nevada Legislature from 1990-1994. First elected Secretary of State in 1994 and re-elected in 1998 and 2002. He serves on several boards including the Board of Examiners, State Prison Board, and the Tahoe Regional Planning Agency. Additionally, he holds the position of Western Region Vice President on the National Association of Secretaries of State (NASS) and is the Chair of NASS' Securities Committee.
Renee Parker	Chief Deputy Secretary of State	Nonpartisan	Renee Parker, Esq. has been the Chief Deputy for Secretary of State Dean Heller since December 2000. The previous three years, she served as Assistant General Counsel to the Public Utilities Commission of Nevada. In 1997, Ms. Parker returned to Carson City after practicing Corporate and Securities Law with the law firm of Pillsbury, Madison and Sutro in the San Francisco Bay Area. She received both her B.S. in Economics (magna cum laude) and her J.D. (summa cum laude) from Santa Clara University in Santa Clara, California.

APPENDIX B
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NAME	TITLE ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
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	B.A. in Criminal Justice and a B.A. in Political Science from the University of Nevada, Las Vegas. He currently serves as Deputy Police Chief of the City of Henderson. Mr. Perkins was first elected to the Nevada Assembly in 1993, serving as a member of the Interim Finance Committee (1993-1994 & 1997-2004), the Democratic Floor Leader (1995), the Majority Floor Leader (1997-1999) and as Speaker of the Assembly from 2001 through 2005. He was also Chairman of the Legislative Commission (1997-1999 & 2001-2003), Chairman of the Commerce Committee (1997-1998), Chairman of the Growth and Infrastructure Committee (2005 to present), and Chairman (2003-2005) and Member (1997-1998) of the Legislative Oversight Committee on Education.
Appointment: Scott Wasserman	Chief Deputy Legislative Counsel	Nonpartisan	B.A. University of Connecticut (1981) and J.D. Univ. of Pacific, McGeorge School of Law (1985). Scott is the Chief Deputy Legislative Counsel for the Nevada Legislature. He previously served as Counsel to the Senate Committee on Government Affairs, which has jurisdiction over election laws in the Nevada Senate, and to the Assembly Committee on Elections, Procedures and Ethics. In the 2005 Session, Scott served as Assembly Bill Drafting Advisor. Scott has also served as the Legal Advisor to the Legislative Committees having jurisdiction over Reapportionment matters since 1987.
Raggio, William	Senator	Republican	Louisiana Tech; University of Oklahoma; University of Nevada, Reno, B.A.; University of California, Hastings College of Law, J.D.; University of California, Berkeley, Boalt Hall School of Law. Senator. Attorney at Law.
Appointment: John Bliss	Privacy Strategist, IBM	Appointee:	B.A. in History from UC San Diego (1980). J.D., Georgetown Univ. Law Ctr (1985). Attorney in private practice, Washington, D.C. (1985-1991). Chief Counsel, Sen. Hank Brown (R-CO) (1991-1994). Minority Chief Counsel, Subcomms. on the Constitution, Technology and the Law, Juvenile Justice, U.S. Senate Judiciary Committee (1991-1994). Lobbyist/Consultant, Washington, D.C. (1995-2002). (Chief Privacy Officer, Systems Research & Development, Las Vegas, NV (2002-2005). Privacy Strategist, Entity Analytic Solutions, IBM, Las Vegas, NV (Jan. 2005-Present).
Reed, Barbara	County Clerk, Douglas County	Republican	Barbara has worked in elections for over thirty years, serving in the Douglas County Clerk-Treasurer's office since November of 1973 and first elected Clerk-Treasurer in 1986. Her key interest and commitment is the election process and the advancements currently being taken to allow voters easy accessibility to vote. Barbara has been an active Member of the Nevada Association of County Clerks and Local Election Officials (NACCEO) since it was formed in 1999, serving as the founding President of the organization (1999-2000) and as Member or President of its Legislative Committee since 1999. She is also active in the County Fiscal Officers Association for the State of Nevada (CFOA) and served as a past President (1997-1998), as well as a Member or President of its Legislative Committee since 1988. Barbara attended the National Institute for Public Finance Executive Program at the Northwestern University Kellogg Graduate School of Management (1999), and is a graduate of the Silver State Excellence in Public Service series (2004). Interrupting her college career to raise her two children, Barbara intends to complete the year or so of courses she needs to earn her degree sometime in the fut
Sanchez, Tony F. II	Attorney, Jones Vargas	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 1(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 (2001-2004); Vice President, Latino Bar Association 2000-2001 and Board Member 2002 to present. Partner, Jones Vargas Law Firm with emphasis in Legislative and Government Relations, Energy and Utility Law, Zoning and Land Use, and Ballot Initiative and Election Law.

APPENDIX B

Advisory Committee Biographies and Party Affiliations

NAME	TITLE, ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Sandoval, Brian	Attorney General	Republican	A graduate of 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 and at age 35, he was the youngest person in Nevada history to serve in that capacity. 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 Boards of Pardons, Prisons, Examiners, Transportation, domestic Violence and Private Investigators and the Boards of Trustees for Children's Cabinet of Reno, KNPB channel 5, St. Jude's Ranch and the Washoe County, Nevada Law Library. As Attorney General, he leads a staff of 350, including 140 lawyers, and administers a budget of $42 million. Sworn in as Nevada's Attorney General on January 6, 2003.
Appointment: Joshua Hicks	Senior Deputy Attorney General		B.A. in History (1995) and J.D. (1998), both from Santa Clara University in Santa Clara, California. Josh served as a law clerk to the Nevada Supreme Court in 1999 and to the United States District Court for the District of Nevada in 2000. With the Nevada Attorney General's Office since 2002, Josh formerly served as counsel to the Nevada Tax Commission and the Nevada Department of Taxation. He has served as counsel to the Nevada Secretary of State since 2004.
Siegel, Dr. Richard	President, ACLU of Nevada	Democrat	Professor and Political Scientist at the University of Nevada, Reno from 1965 through January of 2005. Dr. Siegel is currently Professor Emeritus of Political Science at UNR. 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	Nonpartisan	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. Monica is President of the Nevada Municipal Clerks Association and chairs the City of Henderson Latino Advisory Board. She remains active in the Election Center, Nevada Womens' History Project, IIMC, Nevada Municipal Clerks Association, and League of Cities. She maintains her legal administrator accreditation and associate membership with the American Bar Association.

ATTACHMENT C

Agenda for July 19, 2005 Advisory Committee Meeting

HELP AMERICA VOTE ACT
Advisory Committee

Tuesday, July 19, 2005, at 10:30 a.m.

Legislative Building ***Grant Sawyer Building (via video-conference)***
401 South Carson Street 555 East Washington Street
Carson City, NV Las Vegas, NV
Room 2134 ***Room 4406***

AGENDA

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 05
A. Committee Discussion/Proposed Amendments
B. Committee Recommendation re: revisions to FY 05 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.

State of South Carolina

Election Commission

PHONE: (803) 734-9060
FAX: (803) 734-9366
www.state.sc.us/scsec

COMMISSIONERS
KARL S. BOWERS, JR
Chairperson
JOHN H. HUDGENS, III
PAMELLA B. PINSON
EDWARD K. PRITCHARD, JR
JOHN SAMUEL WEST

MARCI ANDINO
Executive Director
DONNA C. ROYSON
Deputy Executive Director
Director, Voter Services
JANET REYNOLDS
Director
Administrative Services
GARRY BAUM
Director,
Public Information and Training
CHRIS WHITMIRE
Public Information Officer

August 9, 2005

Ms. Peggy Sims, Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW – Ste 1100
Washington, DC 20005

Dear Ms. Sims,

As required by section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file this letter and the following excerpts containing substantive changes in the 2005 South Carolina State Plan for publication in the Federal Register:

Executive Summary	page 5
Sections 1.2 through 1.5	pages 11-29
Section 6	pages 38-39
Section 12	pages 47-50

These pages, along with non-substantive changes made, will constitute the 2005 South Carolina State Plan. The complete State Plan may be accessed at http://www.state.sc.us/scsec/hava.htm .

Sincerely,

Marci Andino

Marci Andino
Executive Director

2221 Devine Street • Post Office Box 5987 • Columbia, South Carolina 29250

Executive Summary by the Executive Director

I am pleased to offer the South Carolina 2005 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 each year by the HAVA State Plan Advisory Team, establishes a framework for achieving compliance with HAVA.

The 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 has met or will meet the new requirements mandated by HAVA, and outlines changes South Carolina has made since release of the initial 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 major change in the 2005 State Plan is a revised budget due to the failure of the federal government to appropriate funds for the third and final year of HAVA implementation. Despite an estimated $8 million shortfall, South Carolina will be in full compliance with HAVA as scheduled.

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 by January 2006, utilizing State and Federal 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 ensuring every citizen that every vote matters and every vote counts.

Marci Andino

Marci Andino
Executive Director
South Carolina State Election Commission

County	Voting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
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 was taken to select a statewide system:

- A consultant experienced in conducting needs assessments and writing Requests for Proposal (RFP) was 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, was assembled to work with consultant to determine the specifications for a statewide system.

- State procurement codes and bidding process was followed for the issuance of the RFP.

- An evaluation committee was 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.

- After a protest and re-bid period, Election Systems & Software, iVotronic Voting system was chosen as the statewide uniform voting system for South Carolina.

1.3 Voting System Standards

Title III requirements for uniform and non-discriminatory election technology and administration are specified in HAVA section 301. The chart below takes each of the Voting Systems Standards and describes South Carolina's plan to meet the requirement.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) REQUIREMENTS – Each voting system used in an election for Federal office shall meet the following requirements:				
(1) IN GENERAL –				
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall –				
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Yes			The statewide voting system chosen for the State has 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			The statewide voting system chosen for the State allows 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			The statewide voting system chosen for the State he system not allow a voter to choose more than one candidate for a single office.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by –				
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Yes			Specific instructions were produced for the statewide voting system currently used in the State. 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			Specific instructions were produced for the statewide voting system currently used in the State. 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			Instructions mentioned in B(ii) are 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			The statewide voting system currently used in the State has the necessary 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			The statewide voting system currently used in the State produces an image of each vote cast; however, these votes will not be associated with any particular voter.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Yes			The statewide voting system currently used in the State provides the voter with a review screen and an opportunity to change the ballot or correct any error before the permanent paper record is produced.
(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			County election officials are 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			The statewide voting system currently used in the State is accessible to as many disabilities as possible, including the blind and visually impaired. Each county has one such unit in each precinct.
(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			Each polling place in the State has at least one disabled voting unit.
(C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting system standards for disability access				Does not apply at this time
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY – The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	Yes			South Carolina currently meets this requirement. While South Carolina is not required, based on the 2000 census and the Voting Rights Act of 1965, to provide alternative language to any jurisdiction in the State, the statewide voting system currently used in the State contains this feature.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(5) Error Rates – The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Yes			The statewide voting system currently used in the State hass been 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			Final review is in process for the definition of a legal vote in a uniform manner for the statewide voting 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.

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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.
(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 counted, the reason it was not counted. This number is 1-877-728-6846
(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

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
				location.
(C) instructions for how to vote, including how to cast a vote and how to cast a provisional ballot;	Yes			South Carolina meets this requirement. Instructions for all voting systems currently in use are provided at the polling locations. A poster of the *voter's bill of rights* is displayed. Provisional ballot instructions are included in this *bill of rights*.
(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 has established a procedure for provisional ballots cast by voters in accordance with a court order extending the time established for closing the polls.

1.5 Computerized Statewide Voter Registration List & Voters Who Register by Mail

The chart below takes each of the requirements for the Computerized Statewide Voter Registration List and for Voters Who Register by Mail and describes South Carolina's plan to meet the requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS				
(1) IMPLEMENTATION –				
(A) IN GENERAL – Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list"), and includes the following:	Yes			South Carolina currently meets this requirement. A statewide voter registration system has been used in the State since 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

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	
				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.
(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.

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	
(2) COMPUTERIZED LIST MAINTENANCE –				
(A) IN GENERAL – The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:				
(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	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	Yes			South Carolina currently meets this requirement.

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eligible to vote are removed from the computerized list; and				Name, SS#, and date of birth verified on each voter before name removed from voter registration file.
(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	Yes			South Carolina currently meets this requirement.

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in error from the official list of eligible voters.				Name, SS#, and date of birth are compared on each voter before removal.
(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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	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B)(i) the individual has not previously voted in an election for federal office in the State; or	Yes			South Carolina currently meets this requirement.
(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).	Yes			South Carolina currently meets this requirement.
(2) REQUIREMENTS –				
(A) IN GENERAL – An individual meets the requirements of this paragraph if the individual –				
(i) in the case of an individual who votes in person –				
(I) presents to the appropriate State or local election official a current and valid photo identification; or	Yes			South Carolina currently meets this requirement. Each voter is required to present one form of ID when voting in person: valid SC driver's license with current address, or photo ID issued by DMV with current address, or as shown below, a voter registration certificate.
(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or	Yes			South Carolina law permits the presentation of one specific government document – the voter registration certificate - to identify the voter.
(ii) in the case of an individual who votes by mail, submits with the ballot –				
(I) a copy of a current and valid photo identification; or.	Yes			South Carolina 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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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. The voter registration system was modified to track whether voters who register by mail provide the proper ID. If proper ID is not provided, a notation will appear to the poll managers to obtain this information before allow the voter to cast a ballot.
(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	Yes			South Carolina currently meets this requirement.

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	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
existing State identification record bearing the same number, name and date of birth as provided in such registration; or				
(C) who is –				
(i) entitled to vote by absentee ballot under the Uniformed and 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.

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(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form".	Yes			This statement 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 statement appears on all voter registration applications used in South Carolina.
(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 –				

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 (15 counties) ◆ Election Administration ◆ Voter education and poll worker training ◆ Automate voter history
2005	◆ Voting system purchases (31 counties) ◆ Election Administration ◆ Voter education and poll worker training ◆ Scanning/signature verification systems
2006	◆ 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)	$ 0	$ 0
Total Funding	**$3.9 B**	**$39,321,280**	**$1,621,064**

Total anticipated funding for South Carolina, prior to 2005, was approximately $48,550,000. However, since South Carolina did not receive the expected allocation for 2005, projects were scaled back to reflect the shortfall in funding. The figures below have been adjusted accordingly. Should the 2005 allocation be received, the State Plan Advisory Committee will re-convene immediately upon receipt and revise this section accordingly. 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	$36.6 M	$ .5M	$2,167,518	$ 31.57 M	$ 1.59 M
Education	$ 2.4 M	$ .25 M		$ 2.45 M	$ .2 M
Statewide Voter Registration System	$ .3 M	$ .2 M			
Voter Registration and Outreach Programs	$ 1.2 M	$ .3 M		$ .8 M	$ .2 M
Administration	$ .4 M	$ .5 M		$ .86 M	$ .09 M
Total	**$ 40.9 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.

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 2004 State Plan:

1. Meeting Title III Requirements and Other Activities

A re-solicitation of the Request for Proposals (RFP) for a uniform statewide voting system was issued on June 9, 2004 and three proposals were received by the July 9, 2004 deadline. One proposal was determined to be non-responsive. The remaining two proposals were evaluated by a team of four election officials from county offices and one state election official. An intent to award was issued to Election Systems & Software (ES&S) on July 19, 2004. On August 4, 2004, the State Election Commission entered into a contract with ES&S for a uniform statewide voting system for South Carolina. By September 15, 2004, voting system equipment was delivered to 15 counties in the State. These first 15 counties are referred to as Phase I counties. All Phase I counties used the equipment, successfully, in the November 4, 2004 General Election.

Immediately after the November General Election, delivery of equipment to the remaining 31, Phase II, counties began. By April 10, 2005, all Phase II counties had receipt of their voting system. This completed the statewide deployment of the ES&S iVotronic touch-screen voting system in the State.

Section 301 – Voting System Standards

The iVotronic Voting System installed statewide provides for the following:

- A review screen that permits the voter to verify (in a private and independent manner) the ballot selections before casting a ballot
- Gives the voter the ability to make changes to the ballot or correct any errors before casting a ballot
- Will not allow a voter to vote for more candidates than allowed for each office
- Provides all HAVA required instructions on casting a ballot both on the machine and in the written form of posters and flyers
- Produces a permanent paper record for manual audit
- At least one DRE voting unit accessible to individuals with disabilities is available in each precinct in the State
- Meets HAVA requirements of compliance with Section 3.2.1 of the Federal Election Commission voting system standards

A uniform definition of what constitutes a vote was written specifically for the DRE and Optical Scan methods of voting. DRE units are used in the precinct on election day and in the absentee precinct preceding the election. Optical scan ballots are used for mail-out absentees, provisional purposes, and emergency use.

2. Payment Distribution and Monitoring

The following chart depicts a high level view of payment distribution as of May 31, 2005:

HAVA Requirements	Amount Distributed	Amount Encumbered
Statewide Voting System	$ 15,945,716.89	$ 19,000,000.00
Education	$ 1,081,715.42	
Statewide Voter Registration System	$ 67,790.63	
Voter Registration and Outreach Programs	$ 596,258.66	
Administration	$ 291,696.59	
Totals	**$ 17,983,178.19**	**$ 19,000,000.00**

3. Provision for Education and Training

3.1 Training for Election Officials

A statewide election security training class was held in January for all 46 counties. In June, 6 regional training classes were held with 100 people from 40 counties attending. 14 classes were held for the on-going statewide election official Training and Certification Program. Approximately 660 people (combined) were in attendance. This training is an on-going program.

A video was produced for use in training poll workers on the election day procedures associated with electronic voting machines. This video was distributed to all counties and will be available on the State Election Commission Intranet for county election officials.

3.3 Training for Voters

A website, www.scvotes.org, was developed and maintained with current information concerning South Carolina election laws and general information. The public can access this site to download voter registration forms, polling place location, FAQ's, contact information to ask specific questions, determine the status of their absentee or provisional ballot, and much more useful information.

In the summer of 2004, the State Election Commission issued a Request for Proposals (RFP) for a Voter Education and Outreach Program. After a protest hearing in July, two advertising/public relations firms, Advertising Services Agency (ASA) was selected to conduct the program.

Because of the limited timeframe between the award and the November General Election, 15 counties using new voting equipment were targeted for voter education on both HAVA changes and the new voting equipment. These counties were: Abbeville, Aiken, Anderson, Calhoun, Cherokee, Florence, Greenville, Greenwood, Kershaw, Lexington, Oconee, Pickens, Spartanburg, Union, and York.

A prepared voter education plan was put into use. Brochures that cover the entire voter registration and voting process were developed and distributed to all 46 counties and various public organizations. For the first time in South Carolina, a Braille brochure on a number of voter education subjects was printed with the assistance of the S.C. Association for the Blind.

Presentations on the use of the voting system were given to local media outlets in these 15 counties along with four 30 second television commercials. These commercials were shown 6088 times prior to the November 2004 General Election.

A brochure containing instructions on the use of the voting machines was produced and mailed to each registered voter in these 15 counties.

A "How to Vote" video was produced and distributed to all 46 county offices and is also available on the SCVOTES.org website for public viewing.

A HAVA bus was purchased and outfitted with electronic voting machines, election information flyers, and an outside red/white and blue design with the www.scvotes.org website. This bus was used to travel to scheduled sites and provide instruction to voters on how to use the voting system and also provide publicity of HAVA changes associated with voter registration and voting. Newspaper, radio, and publicity tactics were used to announce when and where the bus would be visiting.

4. Voting System Guidelines and Processes

An instructional flyer and posters were created to provide instruction on new voting machines. A process for State supported ballot creation was developed and counties were required to notify the State Election Commission of the level of service they desired in support of the new voting system.

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5. Fund for Administering State Activities

- $ 32,421,280.00 Title II monies were received and placed into an interest bearing account.
- $ 278,702 was accrued in interest
- $1,621,064 was required as the State 5% match

6. Proposed State Budget

$7,128,720 estimated 2005 Federal Funding was not received and the proposed funding spreadsheets were revised to reflect actual amounts received from the Federal Government.

7. Maintenance of Prior Year Expenditures

None of the HAVA funds were used to maintain normal operating expenses. All expenses are associated with requirements of this Plan and can be linked to specific categories listed in the proposed funding spreadsheet listed in Section 6.

8. Performance Goals and Measures

Performance goals were established and are monitored monthly by SEC staff. A status of State Plan implementation progress is updated and posted on the SEC website.

9. Administrative Complaint Procedures

Two complaints were received during this period and were handled without alternate dispute resolution.

10. Use of Title I Payment

Portions of the Title I payment were used to fund the statewide voting system, voter education and outreach initiatives, and training to state and county election officials.

11. Ongoing Management of Plan

An advisory team of 10 people was appointed in 2004 to oversee changes to the plan. This same team, with the exception of one member, met to discuss and approve revisions to the State Plan.

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