Research and Technology Applications, Space and Naval Warfare Systems Center, Code 73120, 53560 Hull St, Room 2306, San Diego, CA 92152–5001, *telephone:* 619–553–2778, *e-mail: stephen.lieberman@navy.mil.*

SUPPLEMENTARY INFORMATION: The U.S. Navy intends to move expeditiously to license these patents. Licensing application packages are available from TechLink and all applications and commercialization plans must be returned to TechLink by September 19, 2008. Additional information and revisions may be requested by TechLink through September 30, 2008. TechLink will then turn over all completed applications to the U.S. Navy for evaluation and patent licensing award selection.

The Navy intends to insure that its licensed inventions are broadly commercialized throughout the United States.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: July 8, 2008.

T.M. Cruz,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8–15944 Filed 7–11–08; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Open Meeting of the Ocean Research and Resources Advisory Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Ocean Research and Resources Advisory Panel (ORRAP) will meet to discuss National Ocean Research Leadership Council (NORLC) and Interagency Committee on Ocean Science and Resource Management Integration (ICOSRMI) activities. All sessions of the meeting will be open to the public.

DATES: The meeting will be held on Monday, August 4, 2008 from 8:30 a.m. to 5:30 p.m. and Tuesday, August 5, 2008 from 8:30 a.m. to 2:45 p.m. In order to maintain the meeting time schedule, members of the public will be limited in their time to speak to the Panel. Members of the public should submit their comments one week in advance of the meeting to the meeting Point of Contact.

ADDRESSES: The meeting will be held at NorthWest Research Associates, 4118 148th Avenue, NE., Redmond, WA 98052.

FOR FURTHER INFORMATION CONTACT: Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street Suite 1425, Arlington, VA 22203–1995, telephone (703) 696–4118.

SUPPLEMENTARY INFORMATION: This notice of open meeting is provided in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). The meeting will include discussions on ocean research to applications, ocean observing, professional certification programs, and other current issues in the ocean science and resource management communities.

Dated: July 7, 2008.

T.M. Cruz,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8–15925 Filed 7–11–08; 8:45 am]

BILLING CODE 3810–FF–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan 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 plan previously submitted by Colorado.

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 State 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. EAC has not previously published an update to the Colorado State plan.

The submission from Colorado addresses material changes in the State budget of its previously submitted State plan and, in accordance with HAVA section 254(a)(12), provides information on how the State succeeded in carrying out its previous State plan. The amendment specifically focuses on using fiscal year 2008 requirements payments received by Colorado toward the costs of implementing the computerized statewide voter registration system required by HAVA Section 303. Specifically, Colorado will utilize the new funding to provide technical field support for election officials in every county of the state on the use of the new statewide voter registration system.

Upon the expiration of thirty days from August 13, 2008, Colorado will be eligible to implement the material changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

EAC notes that the plan published herein has 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 revising this State plan and encourages further public comment, in writing, to the State election official listed below.

Chief State Election Official

Colorado

Honorable Mike Coffman, Secretary of State, 1700 Broadway, Suite 270, Denver, CO 80290, Phone: (303) 894–2200 (Select ''3'' for the Elections Division), E-mail: *sos.elections@sos.state.co.us.*

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

Dated: July 2, 2008.

Rosemary Rodriguez,

Chair, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

State of Colorado

Help America Vote Act Revised State Plan

March 12, 2007
In Accordance with
The federal "Help America Vote Act of 2002"
("HAVA")

UPDATED MARCH 6, 2008

2

The mission of the Department of State is to serve the public by performing constitutional and statutory duties of collecting, securing, and communicating information, ensuring the integrity of elections, and enhancing commerce.

3

Table of Contents

Executive Summary 6
State Advisory Committees 9
Current Elections Environment in Colorado 10
Section 1 - Use of Requirements Payments for Title III 13
§301 Voting Systems Standards 13
Audit Capacity 13
Accessibility 13
Alternative Language Accessibility 16
Error Rates 16
Uniform Definition of What Constitutes a Vote 16
§302 Provisional Voting and Voting Information Requirements 16
§303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail 17
Mail Registration System 20
§304 Minimum Requirements 21
§305 Methods of Implementation Left to Discretion of State 21
§311 Adoption of Voluntary Guidance by Commission 21
§312 Process for Adoption 21
§251(b) (2) – Other Activities 21
Section 2 – Distribution and Monitoring of Requirements Payments 22
Section 3 – Education and Training 24
Section 4 – Voting System Guidelines and Processes 25
Section 5 – Fund Management 26
Section 6 - Budget 27
Section 7 – Maintenance of Effort 30
Section 8 – Performance Goals and Measures 33
Section 9 – Complaint Procedures 36
Submission Process 37
Review Process 37
Alternative Dispute Resolution 38
Forms 38
Manuals 38
Resolution Process 38
HAVA Timelines 39
Section 10 – Effect of Title I Payments 39
§101 – Payments to states for activities to improve administration of elections 39
§102 – Replacement of punch card or lever voting machines 40
Section 11 – State Plan Management 40
Section 12 – Changes to State Plan from Prior Year 41
Section 13 – Colorado HAVA Team 42
Glossary 42

STATE OF COLORADO
Department of State
1700 Broadway, Suite 270
Denver, CO 80290

Mike Coffman
Secretary of State

March 12, 2007

My Fellow Coloradoans,

Since the passage of the Help America Vote Act of 2002, Colorado Election Officials have devoted themselves to the successful implementation of the State Plan. This ongoing implementation has required cooperation and support from our General Assembly and the active participation of community stakeholders.

It has been a challenge and a privilege to be involved in the implementation of a project of this magnitude. This update is a living document that has evolved and will continue to be a working plan of action. Through its implementation, this plan continues to empower Colorado voters to voice their electoral preference in an environment that ensures the independence and integrity of their vote.

The following pages provide an update of Colorado's commitment to the empowerment of its voters that melds integrity with accessibility and self-determination.

Mike Coffman

Executive Summary

Colorado was fortunate to have over 90 citizen stakeholders and local election officials participate in the shaping of its electoral future through the original Help America Vote Act State Plan. This valuable input continues to shape the voting environment in the form of advisory and blue ribbon panels.

Provisional voting was adopted by the Colorado legislature in 2000. In 2002, Colorado expanded the voting rights of active military personnel serving overseas. In 2003, Colorado expanded the law further to extend to all absent uniformed services electors, their spouses and children, and all overseas citizens, their spouses and children. Finally, in 2003, Colorado passed H.B. 03-1356, also known as the Colorado Help America Vote Act. This bill addressed the remaining federal HAVA requirements regarding local funding and authority. In 2005, through HB-05-206, the General Assembly passed legislation requiring a state certification program for Colorado's local election officials. Also, in compliance with HAVA, Colorado all punch card voting systems in Colorado were replaced by August 2006.

Colorado has used and will continue to use the requirements payments to address the requirements identified under the Help America Vote Act. These requirements include, but not limited to:

- Voting standards, including auditing, accessibility, error rates and uniform definitions.
- Provisional voting and voting information
- Statewide voter registration system, including mail registration
- Other activities to improve the administration of elections, including training and outreach

The Secretary of State will centrally manage activities funded by requirements payments. The Secretary of State will be accountable for all expenditures, funding levels, program controls and outcomes. In order to ensure a uniform and non-discriminatory approach, all affected stakeholders must have input into the process. The Secretary of State has worked and will continue to work with local election officials to create needs assessment instruments to assist in determining the appropriate level of support for local activities.

The Secretary of State will continue to reach out to its electorate, election staff and local election officials with an effective program of election education and outreach. Through a curriculum of election law, process and Election Day administration the Office of the Secretary of State has provided local election officials and their staff members with a certification program that can be completed within a two-year period.

Colorado requested and was granted a waiver to implement a statewide database of all registered voters by January 2006 rather than January 2004. A competitive selection process led to a contract with Accenture LLP that commenced in August 2004. Ultimately the effort was unsuccessful and the Colorado Secretary of State and Accenture mutually agreed to terminate the agreement in December 2005. Colorado has regularly corresponded with the U.S. Department of Justice since that time as a reformulation of the state's strategy has proceeded. The Secretary of State's office has worked closely with Colorado counties, the Department of Justice and other Colorado agencies on two main efforts: implementing interim practices to allow verification of

eligibility of Colorado registered voters pursuant to HAVA requirements; and, moving ahead with a plan to achieve full compliance with respect to the statewide database. At the current time, Colorado is actively engaged with a reputable, successful partner with proven experience in statewide voter databases and anticipates full statewide implementation of a system by April 2008.

With regard to voting guidelines and processes, all voting systems in Colorado will have met the error rate standards established under Section 3.2.1 of the Voting Systems Standards issued by the Federal Elections Commission. Election Officials have diligently worked to ensure that at least one Direct Recording Electronic voting system that meets the standards for accessibility for voters with special needs is in each polling place in the State. In addition, Colorado requires each county to have its integrated voting system tested and our certification does meet the requirements of the National Institute of Standards and Technology certification program, HAVA 2002 and state election code.

In addressing fund management, H.B. 03-1356 established the "Federal Elections Assistance Fund". All federal funds received by the State pursuant to HAVA 2002 have been deposited into this Fund, along with state and county monies appropriated for the purpose of meeting the State's 5% match requirement. The Fund is administered by the Secretary of State in accordance with the financial controls and accounting standards required by Colorado and federal law. The Office of the Secretary of State received $43.4 million of federal funding.

The State maintains state expenditures for activities funded by the requirements payment at a level at or above the expenditure level that existed prior to the receipt of federal funds. Colorado's HAVA enabling legislation establishes requirements that exceed the maintenance of effort required by HAVA 2002.

Colorado understands that accurate measurement and tracking of performance goals is paramount in achieving a successful implementation of HAVA. Performance goals provide a high-level view of a project's direction. The State's goal is to achieve election reform and compliance with HAVA requirements through the successful implementation of the programs outlined in Section 8 of the State Plan.

Uniform and nondiscriminatory complaint procedures are an important aspect of HAVA 2002. The Secretary of State has developed a unified statewide complaint system process for tracking and managing alleged violations of Title III of HAVA. The State addresses the complaint procedures by breaking down the tasks into the following sections:

- Submission Process
- Review Process
- Alternative Dispute Resolution
- Forms
- Manuals
- Resolution Process
- HAVA Timelines

In addressing Title I of HAVA 2002, Colorado received $7 million. These funds are split between activities listed in §101, totaling $4.9 million, and §102, totaling $2.1 million.

Colorado has used, and will continue to use the State Plan as the basis for managing the activities necessary for the implementation of HAVA requirements. The Secretary of State, with guidance from advisory committees as may be needed from time to time, will be responsible for the management and continued implementation of the State Plan.

March 2008 Update:

The Omnibus Appropriations Act for FY 2008 (P.L. 110-161) includes additional funds to help states improve the administration of Federal elections. The appropriation for the State of Colorado is $1,695,344, and in order to receive the funds, the State is required to amend its State Plan as follows:

- *How the State will use the requirements payment to meet the requirements of Title III or to carry out other activities to improve the administration of Federal elections;*
- *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 (a);*
- *How the State will provide voter education, election official education, and poll worker training programs to assist the State in meeting the requirements of Title III;*
- *The State's proposed budget for new activities being described in the plan;*
- *How the State will continue to meet its Maintenance of Effort (MOE) requirement;*
- *How the State will adopt performance goals and measures that will be used by the State and units of local government in carrying out the plan;*
- *A description of how Title I funds affect the new activities proposed to be carried out under the plan, including the amount of Title I funds available for such activities;*
- *How the State will conduct ongoing management of the plan;*
- *A description of how this amended State plan reflects change from the previous State plan and how the State succeeded in carrying out the previous State plan;*
- *A description of the committee which participated in the development of the State plan update.*

The updates in this Revised State Plan address these requirements.

State Advisory Committees

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

Colorado was fortunate to have a very active group of over 90 citizens interested in shaping its electoral future through the State HAVA Committee including members of the U.S. Senate. Locally, stakeholders in the election, legislative, information technology (I.T.), political, legal, minority, accessibility and military communities sat on both the main advisory committee and, in some cases, either chaired or sat on working sub-committees. The main advisory and working sub-committees also included members of the media and educational communities. Stakeholders from state government were included to ensure the request for proposal included all the components necessary to implement the required network solutions of the statewide voter registration system.

In the future, these and other board and panel members may continue serve from time to time in an advisory capacity to the Secretary of State. Currently, for example, an ongoing advisory board is assisting with the development of curriculum for the certification of local election officials.

March 2008 Update:

HAVA Advisory Committee

Upon notice that additional HAVA requirements payments were available for states, in accordance with Section 255 of HAVA, the Secretary of State appointed an advisory committee to participate in the update of the State Plan. The committee members included the following:

The County Clerk and Recorder from each of these counties:
Denver, El Paso, Gilpin, Jefferson, and Rio Blanco

Representatives from the Legal Center for Persons with Disabilities and Older People and the League of Women Voters

Staff from the Office of the Secretary of State

The committee convened on February 21, 2008. Since the Plan was updated less than a year ago, and the State had met all the requirements of Title II except the implementation of the statewide voter registration system, the committee focused on the possible uses of the additional funds. They unanimously agreed that the success of the statewide voter registration system in the 2008 elections is critical, and that the additional requirements payment would best be utilized to provide additional support to the counties in the implementation of the new system.

Current Elections Environment in Colorado

Provisional Ballots

Prior to the adoption of the Help America Vote Act of 2002, Colorado had in place many of the provisions required by the Act. Provisional voting was adopted by the State of Colorado in 2001, prior to the 2002 General Election. Since the adoption of the federal act, Colorado passed several bills bringing the state into compliance with the requirements of the federal act.

In 2002, Colorado adopted H.B. 02-1307, also known as the Blue Ribbon Election Bill. This act provided for provisional ballots for any voter who claimed to be properly registered but whose qualification to vote could not be immediately established. This act also allowed individuals who applied for an absentee ballot to vote a provisional ballot at the polling place if they chose not to vote the absentee ballot. In 2003, Colorado adopted H.B. 03-1006 that removed the option to vote a provisional ballot for those electors who had applied for an absentee ballot. After a challenge in court in 2004 the law was amended by SB05-206 to allow voters who apply for an absentee ballot but spoil their ballot or otherwise does not cast it, to allow the voter to cast a provisional ballot at the polling place, vote center or early voting site if the elector affirms that they have not and will not cast the absentee ballot. The provisional ballot is counted if the designated election official verifies that the elector is registered to vote, eligible to vote and did not cast the absentee ballot. Furthermore, in 2006 the General Assembly passed HB06-1198 which states that if an elector casts a provisional ballot at a polling place in a precinct other than the precinct in which the elector is registered but within the elector's county of residence, the elector's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted.

Each voter who votes a provisional ballot may determine whether the ballot was counted by contacting the Clerk & Recorder either by phone or in the case of an available website, online.

Uniformed and Overseas Civilian Absentee Voting Act (OUCAVA)

In 2002, Colorado expanded the voting rights of active military personnel serving overseas by allowing a ballot to be faxed to the active military voter and the voted ballot faxed back to the designated election official. In 2003, Colorado expanded the law further to extend this voting option to all absent uniformed services electors, their spouses and children, and all overseas citizens, their spouses and children with the adoption of H.B. 03-1271. This bill also accomplishes the following:

- Designates the Office of the Secretary of State as the designated office responsible for providing information on voter registration and absentee ballot procedures to be used by absent uniformed services electors, nonresident overseas electors, and resident overseas electors who wish to register to vote or vote in any jurisdiction in Colorado;
- Directs the Secretary of State to cooperate with the voting assistance officer of any unit of the armed forces to assist with voter registration and absentee ballot applications; and

- Prohibits a designated or coordinated election official from refusing to accept or process any otherwise valid absentee ballot submitted by an absent uniformed services elector during a year on the grounds that the elector submitted the application before the first date on which the designated or coordinated election official otherwise accepts or processes such applications for that year.

In 2006, Colorado adopted SB06-062, which further expanded the voting rights of active military personnel. The bill added a provision to Colorado law to allow for military personnel deployed outside the United States to receive and return their ballot by electronic mail. The office of the Secretary of State worked closely with the Department of Defense, Federal Voting Assistance Program to establish procedures to implement the new law in time for the 2006 General Election.

Administrative Complaint Procedures

In 2003, Colorado adopted H.B. 03-1356, also known as the Colorado Help America Vote Act. This bill designated the Secretary of State as the chief state election officer within the meaning of HAVA 2002 and granted to the Secretary the power of coordinating the responsibilities of the State of Colorado under HAVA 2002. The act authorizes the Secretary to establish a uniform administrative complaint procedure to remedy grievances arising under Title III of HAVA 2002. It created a federal elections assistance fund in the state treasury and specifies that the Secretary of State administer the fund. The act creates a permanent funding mechanism that specifies the sources and types of moneys to be deposited into the fund, and requires that any moneys received by the state from the federal government pursuant to HAVA 2002 to be used by the state only for the purposes specified by the provisions of HAVA 2002. In addition, the act provides for a continuous appropriation of all moneys in the fund.

The Colorado Help America Vote Act also provides for the following:

- Authorizes the Secretary to direct that moneys in the Secretary of State cash fund be appropriated for carrying out the activities for which federal payments are being made in an amount equal to 5% of the total amount to be spent for such activities;
- Requires each eligible elector to be asked for his or her driver's license number if one has been issued, if not, his or her identification number issued by the Colorado Department of Revenue, or if neither have been issued, the last 4 digits of the elector's social security number. If an individual has not been issued a current and valid driver's license or a social security number, the state will assign the applicant a unique identification number to serve as identification of the applicant for voter registration purposes; and
- Requires the Secretary to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system, defined, maintained and administered at the state level. Like most states, Colorado has a centralized voter registration master list; however, it is currently maintained and administered at the county level. The act also authorizes the Secretary to electronically cancel the registration of deceased persons and persons convicted of a felony. Colorado does not require the formal restoration of voting rights of felons who have served their sentence as a prerequisite to register to vote; those rights are automatically restored at that time, thus allowing such an individual to register to vote.

As previously stated, Colorado adopted H.B. 02-1307 in 2002, which provided for the sharing of information between the State and Department of Revenue in the collection of information on residence addresses and signatures, including the driver's license database, motor vehicle registration database, motorists' insurance database and the state income tax information systems. The adoption of H.B. 03-1356 in 2003 also addresses the following:

- Requires the Secretary and the executive director of the Department of Revenue to match information in the database of the centralized statewide registration system with information in the database of the motor vehicle business group to the extent required to enable each department to verify the accuracy of the information provided on applications for voter registration in conformity with the requirements of HAVA 2002;
- Requires the executive director of the Department of Revenue to enter into an agreement with the federal commissioner of Social Security for the purpose of verifying applicable information in accordance with the requirements of HAVA 2002. It further requires the secretary to implement adequate technological security measures to prevent the unauthorized access to the computerized statewide voter registration list;
- Requires the questions: "Are you a citizen of the United States?" and "Will you be 18 years or older on Election Day?" with boxes for the applicant to indicate his or her responses to these questions on the voter registration form. It also requires the form to include a statement informing the applicant that, if the form is submitted by mail and the applicant is registering to vote for the first time, the appropriate information required is to be submitted with the mail-in registration form to avoid the additional identification requirements for applicants voting for the first time. If the applicant fails to answer on the mail registration form the question relating to American citizenship, the election official is to notify the applicant of the failure. In addition, the election official is to provide the applicant with an opportunity to complete the form in a timely manner to allow for completion of the registration form prior to the next election for federal office; and
- Allows any new voter who desires to cast his or her ballot in person, by absentee ballot, or mail ballot, but does not satisfy these identification requirements to cast a provisional ballot. In addition, it also requires the designated election official to include with a mail or an absentee ballot written instructions to enable a first-time voter to comply with the requirements for new voters intending to cast a mail or absentee ballot. Finally, the bill directs state and local election officials to implement the requirements applicable to new voters in a uniform and nondiscriminatory manner.

Prior to the adoption of HAVA, Colorado was at the forefront of states allowing provisional ballots, extending of voting opportunities for military personnel and overseas citizens, and providing for the exchange of information between the Office of the Secretary of State and the Department of Revenue on driver's license address and signature information. With the adoption of H.B. 03-1006, H.B. 03-1356 and H.B. 03-1271, SB06-062 and SB06-170 Colorado's election laws remain some of the most progressive in the United States. Furthermore, these acts bring the state into compliance with the requirements of the federal Act.

Section 1 - Use of Requirements Payments for Title III

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

Colorado has used and will continue to use the requirements payments to address the following requirements identified under Title III:

- §301 Voting Systems Standards
- §302 Provisional Voting and Voting Information Requirements
- §303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail
- §304 Minimum Requirements
- §305 Methods of Implementation Left to Discretion of State
- §311 Adoption of Voluntary Guidance by Commission
- §312 Process for Adoption
- §251(b) (2) – Other Activities

§301 Voting Systems Standards

Deadline for compliance: 01/01/06

Audit Capacity

All integrated voting systems in the State of Colorado are required to go through a re-certification process by the State. All such integrated systems shall meet the manual audit requirements set out in Section 301(2), including a permanent paper record with a manual audit capacity, an opportunity for the voter to change the ballot or correct any error before the permanent paper record is produced and the availability of the paper record as an official record for any recount conducted with respect to any election in which the integrated system is used.

Accessibility

In an effort to improve voter accessibility in the State of Colorado, the Secretary of State established a Voting Accessibility and Outreach Sub-committee. This sub-committee met frequently to assess Colorado's accessibility issues and recommended improvements, and assisted in the development of a polling place accessibility survey. The committee worked diligently with the Secretary of State to insure that the intent of the Help America Vote Act of 2002 is met and that every polling place in the State of Colorado is fully accessible to voters with disabilities, the elderly, and voters with language or literacy barriers. The Voting Accessibility and Outreach Sub-committee developed the following mission statement that outlines both principles and goals of voting accessibility in the State of Colorado:

> ***All voters are entitled to the right of full participation in elections and the political process and to the privilege of casting their votes privately and independently.***
>
> ***Polling places and the voting process will be accessible to all voters, including voters with physical or mental disabilities and voters with language and literacy***

barriers. People with such disabilities or barriers who are knowledgeable about accessibility issues should be included in determining the accessibility of polling places, access to the voting process, and training and procedures for accessibility. No eligible voter will be denied the right to vote because he or she has a physical or mental disability or because he or she has a language or literacy barrier. A combination of technology and creative problem solving should work together to ensure private and independent access to the electoral process for all voters.

Election judges will receive training in voting accessibility including common courtesies and procedures for accommodating the needs for all voters.

State and local election officials should implement outreach programs to inform voters about the availability of accessible polling places and voting equipment, and should provide individuals with information in an accessible format to inform voters about the use of accessible equipment.

Information provided about candidates or other election matters that is made available to the general public in print, electronically, or by other means should be provided in alternative formats accessible to people with disabilities and to people with language or literacy barriers. Voter registration shall be conducted in a uniform and non-discriminatory manner.

The State of Colorado received grant funds totaling $580,984 from the Department of Health and Human Services under four separate awards to address accessibility issues.

County Clerks and Recorders (i.e., designated county election officials) are required to survey each polling place in their respective counties for accessibility, using the Department of Justice ADA Checklist for Polling Places. To date, polling places in Colorado have been surveyed at least once, and some were surveyed twice because the original survey was conducted using a different format or counties have chosen to go to the Vote Center format. Some counties enlisted the assistance of disabled individuals in their communities to help them determine the accessibility of the polling places. To assist counties in conducting surveys, the Department purchased Accessibility Survey Tool Kits and distributed them to all County Clerks and Recorders. These kits contain a number of tools to measure slopes, doorways, thresholds, etc. for building ingress and egress.

To date, the Department has initiated three rounds of sub-grants to counties to make accessibility modifications to polling places based on the surveys, including modifications in the path of travel, entrances, exits, and within the voting areas themselves. Awards totaling $279,930.32 have been made to counties, with grants ranging from $760.00 to $41,940.24; the counties provided a match to these funds of approximately 15%. Modifications to the polling places ranged from the purchase of ramps and removal of barriers to making curb cuts and providing concrete access paths. To facilitate the opportunity of privacy and independence in voting, several counties purchased accessible voting booths for their polling places; funds were also used to inform the disabled voter about voting, voting rights, voting locations, etc.

In February 2005, the Department hosted a successful two-day demonstration of accessible voting equipment at the State Capitol for legislators, election officials and members from all segments of the disability community. Over 100 disabled voters participated in the demonstrations, providing feedback on the usability of the equipment that was shared with both the vendors and elections officials. The event was viewed as an important step toward having accessible voting systems in the state by 2006.

To satisfy the requirements payments under Title 3 of the Help America Vote Act, the Voting Accessibility and Outreach Sub-committee focused on four distinct categories:

- The placement of at least one DRE voting machine per polling place.
- The development and posting of signs in each polling place to assist voters with special needs.
- The development and distribution of forms to assist all voters and election judges in the voting process.
- Developing a working relationship with the Disability Community and Advocacy Groups.

HAVA Compliant Direct Recording Electronic (DRE) Voting Equipment

The State of Colorado had at least one DRE in every polling place by the August 2006 primary election. The voting system standards outlined in Section 4 of this State Plan were used in the assessment and selection of the DREs. Members of the disability community, senior citizens, and voters with language or literacy barriers were involved in voting equipment fairs and provided surveys to assist state certification technicians in the testing and state certification of these machines.

Under Colorado law, the selection and implementation of the DREs was left to the discretion of each individual county. Consequently, some counties chose to meet the requirement by placing only one DRE in each polling place, while other counties chose to purchase sufficient DRE equipment to conduct elections in their county exclusively on accessible voting equipment.

Signs for Visually Impaired Voters

As recommended by the Voting Accessibility and Outreach subcommittee, all polling place signs required by Section 302 (b) of HAVA 2002 have been presented in large font for those voters with special visual needs. Additional voter information materials will be provided to voters with special needs upon request.

Forms to Assist All Voters and Election Judges

The Secretary of State's office has developed a statewide, best practices guide to assist election judges. All forms used in the polling place have been designed to ensure that the voting experience is uniform and consistent throughout the state. The State has also developed a Student Election Judges program to reach out to students 16 and 17 years of age in an effort to educate and encourage them to participate in the election process.

Alternative Language Accessibility

Forms produced by the Office of the Secretary of State have been printed in English and Spanish and are available to every county. In addition, the State of Colorado has two counties containing large populations of Native American citizens. These citizens speak the Navajo and Ute languages, which are unwritten. Local election officials work with Native American citizens to record audiotapes that contain the same information as any posted signs, forms, and ballot styles. At the request of the voter, special accommodations will be provided.

Error Rates

Colorado requires each integrated voting system to be re-certified by the state. The re-certification ensures that all integrated systems meet the error rates standards established under Section 3.2.1 of the Voting Systems Standards issued by the Federal Election Commission.

Uniform Definition of What Constitutes a Vote

In August 2002, the State of Colorado formally adopted Rule 27, Rules Concerning Uniform Ballot Counting Standards. These rules outline those criteria that constitute a vote for each type of voting system in use in the State of Colorado. For a detailed description, please refer to Section 4 of this plan.

March 2008 Update:

Through February 2008, the Department had received $899,568 in grants from the Department of Health and Human Services to address accessibility issues in polling places. Awards totaling $522,479 have been sub-granted to counties to assist them in making accessibility modifications as well as to inform disabled voters about voting, voting rights, voting locations, etc.

§302 Provisional Voting and Voting Information Requirements

Deadline for compliance: 01/01/04

HAVA 2002 requires provisional voting procedures in all states to ensure that no voter, who desires to vote, is disenfranchised. Provisional ballots were put into use by the State of Colorado prior to the passage of HAVA 2002. In 2002, the State of Colorado addressed this important issue—the Colorado General Assembly enacted provisional voting legislation (codified at §1-9-301, et seq., Colorado Revised Statutes). In response to the passage of HAVA 2002, the General Assembly of Colorado passed conforming legislation in 2003. The following table (Table-1.1) provides information on provisional voting in Colorado.

Table-1.1

PROVISIONAL VOTING REQUIREMENTS	CURRENTLY MET	CHANGE REQUIRED	COMMENTS
(1) Notify individuals they may cast a provisional ballot.	X		§1-9-301, C.R.S.
(2) Permitted to cast a provisional ballot upon the execution of a written affirmation stating the individual is— (A) A registered voter in the jurisdiction (B) Eligible to vote in that election.	X		§1-9-304.5, C.R.S.
(3) An election official shall transmit a ballot to an appropriate official for verification.	X		§1-9-303, C.R.S.
(4) If the election official determines the individual is eligible the provisional ballot shall be counted.	X		§1-9-303, C.R.S.
(5) Individual who cast a provisional ballot will be able to ascertain (A) Whether the vote was counted, or (B) The reason the vote was not counted.	X		§1-9-306, C.R.S.,
(6) Establish a free access system that allows (A) Individuals who cast a provisional ballot to discover whether the ballot was counted. (B) If the vote was not counted, the reason the vote was not counted. (C) Access to the information shall be restricted to the individual.	X		§1-9-306, C.R.S.
(7) Voters who vote after the polls close (after the scheduled voting time) (A) As a result of a Federal or State court order or any other order extending the time for established for closing the polls in effect 10 days before the date of that election (B) Vote only by casting a provisional vote.	X		§1-1.5-104, C.R.S. No statutory provision; however, the Secretary of State is statutorily authorized to exercise such powers and perform such duties as reasonably necessary to ensure that the State is compliant with all requirements of HAVA 2002.

§303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail

Deadline for compliance: 01/01/04, waiver to 01/01/06 available

Currently, Colorado does not have a uniform statewide voter registration system in place. In August 2004, Colorado contracted with a vendor to provide a statewide voter registration system, but the contract was terminated in December 2005. Colorado entered into a contract with Saber Software, Inc who is developing the system which is expected to be fully implemented in the spring of 2008.

Prior to the adoption of H.B. 03-1356, each county was allowed by statute to purchase and maintain its own voter registration system. Each county, on a monthly basis, provides the Secretary of State with a master list of voters for the county. The master lists of all sixty-four (64) counties are then combined to create a statewide master voter registration list. With the passage of H.B. 03-1356, a uniform, official, centralized, interactive, computerized statewide voter registration system that is defined, maintained and administered at the state level will be implemented.

In compliance with HAVA 2002, Colorado will use the Requirements Payments from Title III to continue the focused initiative to implement a statewide voter registration system. This project will reside in the Office of the Secretary of State. The Project Manager will report directly to the Department of State Chief Information Officer.

A detailed master project work plan has been developed to manage and track tasks, milestones, timeframes and resources throughout the entire life cycle of the project.

Through an extensive analysis, needs assessment, and requirements definition, Colorado has determined that a "top-down" database strategy is the best strategy for Colorado. The baseline HAVA requirements, from Section 303, are listed below in Table 1.2. Requirements Payments will be used to address all of these requirements, in addition to requirements that are identified throughout the process.

Table-1.2

HAVA SECTION	REQUIREMENT
IMPLEMENTATION	
§ 303 (a)(1)(B)(i)	The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State
§ 303 (a)(1)(B)(ii)	The computerized list contains the name and registration information of every legally registered voter in the State
§ 303 (a)(1)(B)(iii)	Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.
§ 303 (a)(1)(B)(iv)	The computerized list shall be coordinated with other agency databases within the State.
§ 303 (a)(1)(B)(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. *For Colorado, "Local election official" means county election official.*
§ 303 (a)(1)(B)(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.
§ 303 (a)(1)(B)(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).
§ 303 (a)(1)(B)(viii)	The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.
COMPUTERIZED LIST MAINTENANCE	
§ 303 (a)(2)(A)(i)	If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).
§ 303 (a)(2)(A)(ii)	For purposes of removing names of ineligible voters from the official list of eligible voters— (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.
§ 303 (a)(2)(A)(iii)	Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.
§ 303 (a)(2)(B)(i)	the name of each registered voter appears in the computerized list
§ 303 (a)(2)(B)(ii)	only voters who are not registered or who are not eligible to vote are removed from the computerized list
§ 303 (a)(2)(B)(iii)	duplicate names are eliminated from the computerized list
TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST	
§ 303 (a)(3)	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.
MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS	
§ 303 (a)(4)(A)	A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.
§ 303 (a)(4)(B)	Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.
VERIFICATION OF VOTER REGISTRATION INFORMATION	
§ 303 (a)(5)(A)(i)	Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes— (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.
§ 303 (a)(5)(A)(ii)	If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number, which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

HAVA SECTION	REQUIREMENT
§ 303 (a)(5)(A)(iii)	The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.
§ 303 (a)(5)(B)(i)	The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.
§ 303 (a)(5)(B)(ii)	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)).
§ 303 (a)(5)(C)(i)	The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002— "(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and "(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records. "(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate. "(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.
OTHER REQUIREMENTS BEYOND HAVA 2002	
N/A	Establish a county user group to help derive the registration management requirements for the new system
N/A	Conversion strategy / design from current county systems to new statewide system

Mail Registration System

With the adoption of H.B. 03-1356 and SB06-170, Colorado statutes now mirror the requirements for electors who register by mail found in HAVA. Counties began tracking registrants on January 1, 2003 who registered by mail and failed to submit acceptable identification. Information is forwarded to these registrants informing them of the need to provide the additional required information. Because Colorado did not have a computerized statewide voter registration system at the time of passage of HAVA 2002, first time voters who register by mail and failed to provide acceptable identification will be required to present (where voting in person) or submitting with the ballot (where voting by mail) current and valid identification as defined by §1-1-104 (19.5), Colorado Revised Statutes, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Voter registration forms have been revised to reflect the new requirements regarding the citizenship of the applicant and the age of the applicant. Extensive voter education campaigns have been and will continue to be conducted through a cooperative effort between the state and the counties to inform voters that if they did not provide this information when registering, the information will be required when they go to vote or when they return their absentee or mail ballot.

§304 Minimum Requirements

Section 304 of HAVA 2002 mandates that the requirements of Title III are minimum standards and that the state may establish election technology and administration requirements that are more strict than HAVA 2002 as long as the state requirements are not inconsistent with federal law. The laws and rules of the state of Colorado also fully comply with all HAVA requirements and with the relevant laws listed in HAVA 2002 §906.

§305 Methods of Implementation Left to Discretion of State

The State understands that the choice of methods used to comply with HAVA 2002 is left to the discretion of the State. Colorado recognizes this responsibility and has imposed disciplined practices to ensure a successful program.

§311 Adoption of Voluntary Guidance by Commission

The State will consider the recommendations made by the Election Assistance Commission (EAC) in their document "Voluntary Guidance on Implementation of Statewide Voter Registration Lists" published July 2005. The State will incorporate those recommendations deemed appropriate for Colorado.

§312 Process for Adoption

The State is aware of the adoption of the "Voluntary Guidance on Implementation of Statewide Voter Registration Lists" published by the Election Assistance Commission (EAC) in July 2005.

§251(b) (2) – Other Activities

Pending fund availability and all Title III requirements having been met, the State intends to use requirements payments to continue to fund other activities to improve the administration of elections, including, but not limited to:

- establishing a polling place accessibility program to ensure that all polling places in the state are and continue to be Americans with Disabilities Act (ADA) compliant;
- providing necessary assistance to persons with limited proficiency in the English language;
- engaging in a variety of voter education and outreach activities including public service announcements, voting machine demonstrations, mass mailings and other related media avenues;
- providing election official and election judge training initiatives; and
- providing continuing education of local election officials for certification programs.

March 2008 Update:

Colorado plans to use the additional $1,695,344 requirements payment toward the costs of implementing the required computerized statewide voter registration system which will be fully deployed in the state in April 2008. Specifically, the State will use these additional funds to provide additional technical field support for election officials in every county in the state on the use of the new statewide voter registration system.

Each of the 64 counties in the state has been maintaining its own voter registration system, each month providing the Secretary of State's office a list of its voters. The lists from all counties combine to create a statewide master list (but not a list that satisfies the requirements of HAVA). The new statewide voter registration system will replace this process and will be used in the 2008 elections.

In August 2007, the Department began to pilot the new voter registration system in 9 of the 64 counties; training on the use of the system was provided for election officials and their staffs in those pilot counties. Subsequently, training was begun for the remaining counties and is continuing at the time of this update. All counties will have had initial training by the end of March 2008.

It has become apparent to the Department that for the new statewide system to be successful, more one-on-one training, site visits and technical support for the county users of the new system are necessary. With the additional HAVA funds, the Department will contract with Saber Software, Inc., the developer of the system, to provide a team of technical experts who will give on-site training and business process support to any county in the state who needs it when the system is deployed, continuing this support beyond the 2008 General Election. This type of technical support was not in the original plan for the development of the system but has been determined to be critical to the success in using the system.

Section 2 – Distribution and Monitoring of Requirements Payments

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

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

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

-- HAVA §254 (a) (2)

The Colorado Help America Vote Act granted broad authority of the Secretary of State who is accountable for all expenditures, funding levels, program controls and outcomes. The Secretary may exercise such powers and perform such duties as reasonably necessary to ensure that the state is compliant with all requirements pursuant to HAVA 2002 to be eligible on a timely basis for all federal funds made available to the state under HAVA 2002, including, without limitation, the power and duty to:

- develop and require education and training programs and related services for state, county, and local election officials involved in the conduct of elections;
- promulgate rules in accordance with the state administrative procedures act as the Secretary finds necessary for the proper administration, implementation, and enforcement of HAVA 2002 and of the state HAVA laws and:
- approve an appropriate level of financial support of local activities related to HAVA requirements.

In anticipation of distributing HAVA funds to counties in support of local election-related activities, the State outline in its State Plan the criteria for evaluation and determination of eligibility, monitoring of expenditures, and requirements of the recipients of the funds. However, because the state received nearly $10 million less in federal HAVA funds than expected, the State realigned its priorities for use of the funds. In late 2005, the Secretary decided to distribute funds to counties only for the purposes of assisting them in the acquisition of HAVA-compliant voting systems prior to the 2006 federal election.

The original budget to assist counties with the purchase of at least one accessible voting system in each polling place was $7.8 million. However, since many counties had to replace entire voting systems in order to comply with this HAVA requirement and their funds were limited, the State chose to distribute over $15.1 to the counties to assist them with the lease/purchase of the equipment.

- A plan for the allocation of funds per county was developed by the State, using a formula that considered the number of pilling places in a county, number of voters, and whether or not the county needed to replace decertified optical scan equipment; this assured an equitable allocation of funds to each county;
- An intergovernmental agreement between the State and each county was created and signed by both parties; this agreement assured county compliance with HAVA requirements and met State fiscal rules for disbursement of funds;
- Each county negotiated a contract with the vendor of choice and sent a copy of the contract to the Secretary of State office for review and approval before the contract was finalized; this assured the counties were purchasing/leasing only certified voting equipment;
- Upon receipt of the equipment and an itemized invoice from the vendor, the county submitted a copy of the invoice to the State, who then disbursed funds according to the allocation for the county; this assured that the county was eligible to receive the funds from the State.

The State has no immediate plans to disburse additional HAVA funds to the counties in support of their election activities. However, when the intergovernmental agreement was developed for each county for the acquisition of HAVA-compliant voting systems, the State made the performance period of the agreement five years (through 2012) in the event funds would become available for future disbursements.

March 2008 Update:

The State does not plan to distribute the additional requirements payment to counties in order to carry out the activities described above. The State will contract directly with the vendor, Saber Software, Inc. and will disburse the funds using sound financial principles.

Section 3 – Education and Training

How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.
-- HAVA §254(a) (3)

The human component of voting, filling out that ballot and casting that vote is the sum total of a centuries old Constitutional right of self-determination. Election Day is the result of months of training and preparation. While technology has enhanced this process with safeguards to protect the secrecy and integrity of the process, whether by polling place, absentee ballot or mail ballot, an election still requires state and local teamwork to accomplish that one important goal, a seemingly effortless election. As a result of HAVA direction and funding, the Secretary of State continues to reach out to its electorate, election staff and local election officials with an effective program of election education and outreach.

Through a curriculum of election law, process and Election Day administration the Office of the Secretary of State has provided local election officials and their staff members with a certification program that can be completed within a two-year period. In a broad partnership, the Secretary of State has integrated staff, guest speakers, peers in the election process, and consultants into the curriculum. Programs have been divided into regional training seminars utilizing local accommodations or educational facilities when possible. Certification of local election officials and their staff members requires completion of course work and hands on training. Funds spent by local election officials are considered as criteria for local matching funds for HAVA purposes.

The greatest challenge in Election Day administration can be the hiring and training of Election Day judges. Colorado is fortunate to have had in place the Student Election Judges Program, which allows high school students to work as election judges alongside their senior counterparts on Election Day. This partnership has been a great success in providing the seasoned judge with the technical aptitude of a younger generation who has literally grown up with computers. The student judges are equally pleased for the chance to participate in the election process, be paid for their time and learn the history of past elections. Local election officials have utilized this program to bring students into the electoral process by serving as election judges.

The State recognizes the need for additional recruitment tools for encouraging participation in the election process. Ideas currently under review include not only more effective ways of recruiting judges from the political parties but also investigating ways to engage the private sector, higher education, community groups, Ad Councils and service organizations.

Once recruited, the Secretary of State regards the training of these Election Day workers as a critical issue. The Secretary of State continues to investigate the incorporation of a combination

of training methods and performance measures to determine the most effective method of training.

Voter outreach is a critical part of the implementation of this particular phase of HAVA 2002. HAVA 2002 is much more than a new variation of an old theme. Centralized election administration, voter registration, complaint processes, provisional ballots and accessibility give Colorado voters' greater autonomy and responsibility. It also provides the Secretary of State the challenge of relating these changes in formats that reach potential voters with divergent educational, language and accessibility issues.

Part of the outreach program includes our stakeholders working with media and "talking" groups within the community, political organizations, the press, schools etc. to communicate these changes. The Secretary of State has utilized a multitude of media options in the method of voter education. Marketing techniques have included but not been limited to radio, print and advertising public information pieces to students, alumni, and attendees of local university sporting events.

Section 4 – Voting System Guidelines and Processes

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

Since June 1, 1991, the State of Colorado has required all voting systems, voting machines, electronic voting devices, punch cards and non-punch card electronic voting systems to meet the standards promulgated by the Federal Election Commission. Recognized independent testing authorities have the statutory authority to test, approve and qualify electronic voting systems for sale and use in the State of Colorado if certain criteria are met.

Those criteria include the following:

- Any independent testing authority will be recognized and granted the authority to qualify electronic voting systems for use in Colorado only when it has met all of the obligations and ongoing requirements necessary to gain certification as an independent testing authority from the National Association of State Election Directors (NASED) or other national authority recognized by the Federal Election Commission (FEC) for the purpose of certifying independent testing authorities.
- The independent testing authority conducts any and all tests required by NASED or other national authority recognized by the FEC for granting certification to independent testing authorities to verify the integrity of the electronic voting systems to be used in Colorado.
- Prior to the use of any electronic voting devices or electronic voting systems in any public election in Colorado, such devices must be certified by the Secretary of State following a successful qualification testing conducted by a recognized independent testing authority.

Section 231(a)(2) of the HAVA 2002 allows the states the option to provide for the testing, certification, de-certification or re-certification of its voting system hardware and software by the laboratories accredited by the Election Assistance Commission. Colorado requires certification of all integrated voting systems in use in the State of Colorado. Historically, Colorado has certified individual voting systems. However, with the definition of "system" found in HAVA 2002, the integration of all systems in each county in the State of Colorado has to be tested. Therefore, Colorado requires each county to have its integrated voting system tested and certified as meeting the requirements of HAVA 2002 and state election code.

Existing voting systems in the State of Colorado are required to meet the standards set out in Section 301 of the Help America Vote Act of 2002. The voting system standards include the following:

- Permits the voter to verify in a private and independent manner the votes selected by the voter on the ballot before the ballot is cast and counted;
- Provides 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; and
- Notification to the voter of any over votes, the effect of the over vote and the opportunity to correct. In central count optical scan counties; this will be achieved through extensive voter education of the standards, including instructions to the voter at the polling place.

All voting systems in Colorado meet the error rate standards established under Section 3.2.1 of the Voting Systems Standards issued by the FEC, a manual audit capacity, a permanent paper record for recount purposes, and the opportunity for the voter to change the ballot or correct any error before the permanent paper record is produced. Furthermore, each polling place now has at least 1 DRE voting system that meets the standards for accessibility for voters with special needs.

In August 2002, the State of Colorado formally adopted Rule 27, Rules Concerning Uniform Ballot Counting Standards. These rules outline those criteria that constitute a vote for each type of voting system in use in the State of Colorado. These rules were formulated with the assistance of voting system vendors, county clerks and recorders acting as the chief local election officials, their staffs, the Secretary of State, and the Elections Division staff of the Office of the Secretary of State. A copy is attached as *Appendix A - Rule 27: Rules Concerning Uniform Ballot Counting Standards*. These rules define terms and outline what constitutes a vote for paper ballots, central count optical scan, and precinct count optical scan voting systems. As of August 2006, all Colorado counties have replaced punch card voting systems with certified voting systems. Criteria for what constitutes a vote for DREs would not be applicable.

In 2005, the Secretary of State promulgated Rule 45, Concerning Voting System Standards for Certification, to further clarify and the certification process for the local election officials and the vendor. In March 2006, the Secretary of State adopted a major revision to the Rule.

Section 5 – Fund Management

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

Prior to the enactment of state enabling legislation, a separate HAVA fund was first established administratively by the Secretary of State and the State Controller. The State's initial payment of Title I monies was then deposited into this fund. Subsequently, a fund was established statutorily by the State HAVA enabling legislation (House Bill 03-1356), which establishes the fund as the "Federal Elections Assistance Fund".[1]

Pursuant to the new legislation, all federal funds received by the State pursuant to HAVA 2002 are deposited into the Fund, along with state and county monies appropriated for the purpose of meeting the State's 5% match requirement. In addition, net interest earned by the State Treasurer from the investment of Fund monies will be credited to the Fund.

All federal funds received by the State pursuant to HAVA 2002 have been deposited into the Fund, along with state monies appropriated for the purpose of meeting the State's 5% match requirement. In addition, interest earned on the funds has been credited to the Fund by funding source, i.e., Title 1, Title 11, State Match, etc…, and used according to the purpose of the source.

March 2008 Update:

All federal funds received by the State pursuant to HAVA 2002 were deposited into the fund, including interest earned on the federal funds. In 2003, the General Assembly appropriated $1,371,270 in cash funds, which were deposited into the Fund and earned interest, to use toward meeting the 5% match required by HAVA to receive the Title II funds. The General Assembly further authorized the Secretary of State to use moneys in the Department's cash fund to satisfy the difference needed to meet the state match requirement. At the time, the 5% match was calculated at $1,813,632. However, in 2006 the EAC provided a formula for calculating the match, which when applied to the Title II funds received by the State, resulted in a higher match requirement of $1,818,177.

The Department has met and exceeded the $1,818,177 match requirements, expending over $2 million of state cash funds on HAVA requirements, particularly on the development of the computerized statewide voter registration system. The Department will request a new appropriation by the General Assembly in the amount of $89,229 to fulfill the 5% match requirement in order to receive the additional requirements payment of $1,695,344 and will deposit such appropriation into the Fund.

The Fund continues to be administered in accordance with the financial controls and accounting standards required by Colorado and federal laws.

Section 6 – Budget

The State's proposed budget in the State Plan submitted in July 2003 was based on (1) the receipt of an estimated $52.3 million dollars in federal funds over a three-year period and, (2) a

broad estimate of costs and activities necessary to meet the mandates of HAVA. Since Colorado, like other states, did not receive a full award of HAVA appropriated funds, the budget originally submitted has been modified to reflect the actual level of funding.
Colorado received a total of $41.6 million in federal funding in 2003 and 2004 – 20% less than was appropriated under the Help America Vote Act. The funds received by Colorado were as follows:

FY 2003	Title I - Section 101	$ 4,860,301
FY 2003	Title I - Section 102	$ 2,177,095
FY 2004	Title II	$34,545,365
	Total	$41,582,761

In addition, the State matched the Title II funds in the amount of $1,813,632. To date, the amount of state and federal funds that have been available for the HAVA program totals $43,396,393. It is estimated that approximately $5.7 million in interest will be earned over a ten year period. The State estimates the use of at least $48,857,000 on HAVA-related activities for the period 2003 through 2012. Remaining funds, as well as any additional funds the State might receive, are expected to continue to support improvements in the administration of federal elections through at least the year 2013.

Revised HAVA Budget – March 2007

Following is a revised budget as of March 2007 that includes actual expenditures through 2006. Several factors contributed to this revision: reduced level of federal funding to states; change in vendors for development of a computerized statewide voter registration system; and changes in priorities for use of the HAVA funds based on state needs. This includes an increased distribution (above 2003 projections) to counties for the purchase of HAVA-compliant accessible voting systems.

HAVA Budget – 2003-2012			
	Estimated/Actual Costs	Duration	Comments
Section 102 Funds:			
Replacement of Punch Card Voting Systems in 5 counties in the State	$ 2,323,852	April 2003 through August 2006	Section 102 Funds and interest distributed to all five counties who replace punch card systems prior to August 2006.
Section 101, Title II, State Match Funds, and Earned Interest:			
Section 301 Compliant Voting Systems for counties in the State, including accessible systems	$15,178,955	March 2006 – July 2012	Through February 2007, $12.5 million of the obligated amount had been distributed to the counties.
Centralized Statewide Voting Registration System	$19,561,000	January 2003 – July 2012	Costs include hardware, software, IV&V, Project Management, Training, on-going support and maintenance, as well as miscellaneous expenses to implement and maintain system through July 2011.
Voter Outreach and Education; Training of Election Officials	$ 383,000	July 2003 – July 2012	Includes expenditures related to Provisional Voting, Voter Information Requirements, and training on complaint procedures.
State Budget and Fiscal Controls; Election Reform Program Management	$ 7,772,000	January 2003 – July 2012	Includes administrative costs to manage the HAVA Program.
Remaining Funds	$ 3,638,193		
Total	**$48,857,000**		

March 2008 Update:

The estimated amount to provide technical field support between April 2008 and March 2009 to the election officials and staff who will be responsible for using the new computerized statewide voter registration system is $1,925,000. The State will use the additional Title III funds of $1.695 million toward those costs.

The proposed budget in the State Plan submitted in July 2003 was based on (1) the receipt of an estimated $52.3 million dollars in federal funds over a three-year period and, (2) a broad estimate of costs and activities necessary to meet the mandates of HAVA. Since Colorado, like other states, did not receive a full award of HAVA appropriated funds, the original budget was modified to reflect the actual level of funding. The State's budget presented in the March 2007 Revised State plan reflected changes through the State's fiscal year ending June 30, 2006.

The current revised budget below, which includes the additional requirements payment expected this year, considers the following:

- total projected revenues, including interest earned, between April 2003 through June 30, 2013;
- actual expenditures from 2003 through the state fiscal year ending June 30, 2007;
- projected expenditures from July 2007 through June 30, 2013.

Revised HAVA Budget – March 2008

HAVA Budget – 2003-2013			
	Estimated/Actual Costs	Duration	Comments
Section 102 Funds:			
Replacement of Punch Card Voting Systems in 5 counties in the State	$ 2,323,852	April 2003 through August 2006	Section 102 Funds and interest distributed to all five counties who replaced punch card systems prior to August 2006.
Section 101, Title II, State Match Funds, and Earned Interest:			
Section 301 Compliant Voting Systems for counties in the State, including at least one accessible system per polling place	$15,178,955	March 2006 – December 2010	Through February 2008, $14.8 million of the obligated amount had been distributed to the counties. For the 2006 Primary Election, every polling place in the state had at least one HAVA-compliant voting system.
Centralized Statewide Voter Registration System	$24,372,240	January 2003 – June 2013	Costs include hardware, software, IV&V, Project Management, Training, technical support, on-going maintenance and upgrades, as well as miscellaneous expenses to implement and maintain system through June 2013.
Voter Outreach and Education; Training of Election Officials	$ 401,053	July 2003 – June 2013	Includes expenditures related to Provisional Voting, Voter Information Requirements, and training on complaint procedures.
State Budget and Fiscal Controls; Election Reform Program Management and other activities to improve the administration of federal elections	$ 7,987,888	January 2003 – July 2012	Includes administrative costs to manage the HAVA Program and activities related to voting system standards.
Remaining Funds	$ 644,723		Undesignated beyond FY13.
Total	**$50,908,711**		**(Equals revenues expected through June 2013)**

Section 7 – Maintenance of Effort

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

The State maintains expenditures for activities funded by the requirements payment at a level at or above the expenditure level that existed prior to the receipt of federal funds. No federal funds for requirements payments are used to supplement the state budget for operation and administration of the Office of the Secretary of State, or to supplant funding historically received from state sources for election-related purposes.

Colorado's HAVA enabling legislation (H.B. 03-1356) contains a number of provisions that, taken together, require maintenance of effort that meets and exceeds the requirements of HAVA 2002. These provisions include the following:

- Federal monies may only be used for the purposes specified by HAVA 2002[2].
- Monies in the State Fund are statutorily appropriated only for "the proper administration, implementation, and enforcement of HAVA", and such monies may not be transferred to any other fund.[3]
- Every year that the State receives federal funds, the General Assembly is required to make annual appropriations for "election-related purposes that is not less than the level of expenditures for such purposes maintained by the state for the 2001-02 fiscal year".[4]
- Every year that the State receives federal funds, the Secretary of State is required to maintain expenditures to support the statewide voter registration system from nonfederal monies at a level at or above the level for the 2001-02 fiscal year.[5]
- Every county fiscal year that the State receives federal funds, each county is required to maintain the same level of expenditures on activities arising under Title III of HAVA 2002 that it expended in fiscal year ending prior to November 2002.[6]

As can be seen, these state requirements exceed the maintenance of effort required by HAVA 2002. First, the State legislation requires maintenance of all election-related funding at previous levels, but HAVA 2002 only requires maintenance of those election expenditures that are related to Title III activities.

Second, HAVA 2002 only requires maintaining state expenditures at the level of State Fiscal Year 99-00 level (the first fiscal year ending prior to November 2000). The State legislation uses a later and higher base year, FY 2001-02.

Third, the State's legislation imposes an additional maintenance-of-effort requirement on counties that is not required by HAVA 2002. Under section 1-1.5-106 (6), above, "each county shall maintain not less than the same amount of expenditures on activities arising under Title III of HAVA 2002 that it expended on such activities for its fiscal year ending prior to November 2002".

---

[2] Section 1-1.5-106 (2) (a), Colorado Revised Statutes.
[3] Section 1-1.5-106 (2) (b), Colorado Revised Statutes
[4] Section 1-1.5-106 (4), Colorado Revised Statutes
[5] Section 1-1.5-106 (5), Colorado Revised Statutes
[6] Section 1-1.5-106 (6), Colorado Revised Statutes.

Section 8 – Performance Goals and Measures

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

Colorado understands that accurate measurement and tracking of performance goals is paramount in achieving a successful implementation of HAVA. Performance goals provide a high-level view of a project's direction. The State's goal has been to achieve election reform and compliance with HAVA requirements through the successful implementation of the programs outlined in the State Plan. Below, in Table 8.1, details are provided of each performance goal, desired outcome, timeline and responsible parties for ensuring that each goal is met.

Table 8.1

PROGRAM PERFORMANCE GOAL	DESIRED OUTCOME	MEASUREMENT	TIMELINE	RESPONSIBLE PARTIES
Eliminate punch card machines in polling places	Elimination of punch card machines in any polling place in Colorado.	Number of punch card machines in use.	Complete	Secretary of State Boulder County Jefferson County Mesa County Montrose County Pitkin County
Implement a centralized statewide voter registration system	Assimilation of accurate voter registration information from various county election systems into a centralized system. Assimilation and continuation of voter registration and election management functionality from local election systems.	Number of counties using SWVR. Number of requirements met. Level of satisfaction with stakeholders.	03/01/06 – 03/31/08	Secretary of State and Local Election Officials
Increase timeliness of voter registration entry and modification.	Voter registration records entered or modified within one business day.	Comparison between Registration Date and Date of Entry. Number of Provisional Ballots.	Continuous	Secretary of State, DMV and Local Election Officials

March 2008 Update:

The maintenance of effort requirement of HAVA relates only to activities on which the state spends money that are consistent with the requirements of Title III of HAVA. The intent of the requirement is to prevent a state from replacing its own funding with federal funding.

Colorado, either at the State level or at the county level, has not supplanted its own funding with federal funding in the conduct of elections. The only HAVA funds distributed to the counties have been for the acquisition of required HAVA compliant voting systems in 2006, and since these systems did not exist prior to the 2000 General Election, no HAVA funds were used to replace county funds spent on voting systems prior to 2000.

Counties are required to provide relevant election expenditure information to the Department on an annual basis. At the state and the county level, determining the baseline level has been challenging. In 1999 and 2000, the HAVA baseline period for determining the maintenance of effort requirement, records were not maintained at either the state or county level according to the 2002 requirements of HAVA because HAVA did not exist. Using the best information available and interpreting expenditures in those early years, the State has determined that its baseline level of spending to maintain on activities consistent with the requirements of Title III of HAVA is $48,427. The State has maintained this level on Title III requirements since 2001; in 2004, the year in which Colorado received the first Title II requirements payment, the State's maintenance of effort expenditures were $243,306.

PROGRAM PERFORMANCE GOAL	DESIRED OUTCOME	MEASUREMENT	TIMELINE	RESPONSIBLE PARTIES
Increase the accessibility of polling places to persons with special access needs	Polling places, throughout the state, that are freely accessible by all voters.	Number of complaints on polling place accessibility.	Continuous	Local Election Officials
Increase the timeliness of resolution of grievances	Grievances resolved within 5 business days.	Comparison between Grievance Date and Resolution Date.	Continuous	Secretary of State
Increase the timeliness and accuracy of removing a deceased voter from the voter registration rolls	Remove deceased voters from registration list within 60 days. Less than .5% error rate on matches (false positives).	Comparison between Date of Death and Status Change Date on SWVR. Number of erroneous matches / Total number of matches.	Continuous	Secretary of State and the Colorado Department of Public Health and Environment, Vital Records Division
Increase the timeliness and accuracy of removing convicted felons from the voter registration rolls	Remove felon voters from registration list within 30 days. Less than .5% error rate on matches (false positives).	Comparison between Date of Incarceration and Status Change Date on SWVR. Number of erroneous matches / Total number of matches.	Continuous	Secretary of State, the Colorado Department of Corrections, and the U.S. Department of Justice
Eliminate duplicate voter registrations across counties within Colorado	No duplicate registration records.	Number of duplicate voter registration records.	Continuous	Secretary of State and Local Election Officials
Improve the timeliness and accuracy of Voter registrations from DMV.	Voter registration records entered within one business day.	Comparison between Registration Date and Date of Entry.	Continuous	Secretary of State and DMV

34

PROGRAM PERFORMANCE GOAL	DESIRED OUTCOME	MEASUREMENT	TIMELINE	RESPONSIBLE PARTIES
Improve ID validation via Drivers License and SSN checks	Valid Drivers License Numbers on all voter registration records. Valid Social Security Numbers on all voter registration records.		Continuous	Secretary of State, DMV and SSA

March 2008 Update:

The State will adopt new goals and measures as necessary if new activities are implemented. For the activities for which the State will expend the additional requirements payment, measures are incorporated into the contract with the vendor as required by the State's contracting process.

35

Section 9 – Administrative Complaint Procedures

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

The Secretary of State has developed a unified statewide complaint system process for tracking and managing suspected violations of Title III of HAVA. This process meets the following requirements:

- The procedures are uniform and nondiscriminatory.
- Any person who believes there is a violation of Title III may file a complaint.
- Complaints shall be in writing and notarized, signed and sworn by the person filing the complaint.
- The state may consolidate complaints.
- At complainant's request, there shall be a hearing on the record.
- The state shall provide an appropriate remedy if it finds a violation has occurred.
- If no violation is found, the complaint shall be dismissed and the results published.
- Complaints shall have a final resolution within 90 days of the complaint being filed, unless the complainant consents to a longer period.
- If the complaint cannot be resolved within that period, an alternative dispute resolution procedure must be provided.

The Secretary of State formed a subcommittee to address this HAVA requirement effectively. This subcommittee was comprised of various stakeholders representing:

- County Clerk and Recorders
- County elections staff
- Colorado Civil Rights Commission
- Colorado General Assembly
- Political parties
- State Attorney General's Office
- Office of the Secretary of State.

This subcommittee developed guiding principles for the complaint process to the requirements listed above. The complaint process:

- must follow federal and state law;
- should not be complicated for the aggrieved party;
- should be easily accessible for the disabled;
- should be public within the parameters of state and federal law;
- should be easily tracked by all interested parties;
- should allow for local filing and resolution;
- should allow for timely resolution within HAVA timelines; and
- should address alternate language needs as required by law.

The subcommittee agreed to address the complaint procedures by breaking down the tasks into the following sections:

- Submission Process
- Review Process
- Alternative Dispute Resolution
- Forms
- Manuals
- Resolution Process
- HAVA Timelines

Submission Process

The Submission Process[7] allows for the local receipt of complaints or filing directly with the Secretary of State. Upon receipt of a HAVA 2002 Title III complaint, the local election official forwards the complaint within one business day to the Secretary of State who receives and tracks all HAVA complaints.

In accordance with state and federal law, the complaint must be in writing and notarized, signed and sworn by the person filing the complaint, involve an alleged violation of Title III of HAVA 2002 , and filed within one year from the date of the alleged violation or the election, whichever is later. A form has been developed to aid the complainant in providing the required information. The complainant has the option of utilizing the form or filing a letter with required information.

Complaints filed with the local election official shall be faxed to the Secretary of State within one business day of receipt. The original shall be mailed and a copy retained for the local file. Conversely, complaints filed with the Secretary of State shall be faxed to the local election official within one business day of receipt. A copy must be mailed and the Secretary of State will retain the original.

Upon receipt at the Office of the Secretary of State, the complaint is date stamped, logged in, and assigned a state ID number for tracking. A receipted copy will must be faxed to the local election official.

The complaint form or letter is checked for required information, and an acknowledgement of receipt is sent to the complainant. The acknowledgement shall indicate the tracking number and general instructions for tracking the complaint.

Review Process

The Colorado Help America Vote Act, exempts the HAVA Administrative Complaint Procedures from the Administrative Procedure Act in C.R.S. 1-1.5-105(3)(b).

[7] §1-1.5-105, Colorado Revised Statutes.

Under the Review Process, the Secretary of State has several options available:

- Local Resolution
- Resolution/Remedy without a hearing
- Dismissal
- Consolidation
- Extension
- Hearing
- Determination

Alternative Dispute Resolution

The Alternative Dispute Resolution (ADR) procedure is required if the Secretary of State does not issue a final determination concerning the complaint within 90 days of filing. All complaints requiring ADR will be forwarded to the Colorado Judicial Office of Dispute Resolution for final resolution within sixty days.

An agreement may be drafted between the Colorado Judicial Office of Dispute Resolution and the Secretary of State to address the ADR requirements for the HAVA Administrative Complaint Procedure.

Forms

A form for the filing of a complaint is available on the Secretary of State's website to aid the complainant in providing the required information. The complainant is not be required to utilize the form, but is required by rules to provide certain information in a written, notarized complaint.

Manuals

Instructions to aid the complainant in filing and tracking a complaint are also available online. The instructions are posted on the Secretary of State website and available in alternative languages in counties as required by law.

An instruction sheet for local election officials provides uniformity in handling the complaints statewide.

Resolution Process

A brief outline of the resolution process includes the following basic elements:

- Filing
- Tracking
- Review (with or without hearing)
- Consolidation and Extension
- Determination, which may include dismissal
- Alternative Dispute Resolution (if no determination within 90 day timeframe)
- Court Appeal (if complainant is not satisfied with final determination or ADR is unsuccessful)

HAVA Timelines

The timelines for filing a complaint under the HAVA Colorado Administrative Complaint Procedure and disposition/resolution of the complaint are clearly outlined in federal and state law:

WITHIN ONE BUSINESS DAY the local election official shall transmit a Title III HAVA complaint filed with the local official to the Secretary of State.

WITHIN ONE YEAR of the occurrence of the alleged violation or of the election giving rise to the complaint, whichever, is later; the complaint must be filed with the Secretary of State. [C.R.S. 1-1.5-105(2)(d)]

WITHIN 90 DAYS of the date the complaint is filed, the Secretary of State must issue a decision on the complaint [C.R.S. 1-1.5-105(2)(i)], unless the complainant consents to a longer period for making such determination. [HAVA Section 402(a)(2)(H)]

WITHIN 60 DAYS following the 90-day time frame, if the Secretary of State fails to issue a final decision on the complaint, the complaint shall be resolved under the Alternative Dispute Resolution Procedure established by the Secretary of State. [C.R.S. 1-1.5-105(2)(j) and HAVA Section 402(a)(2)(I)]

WITHIN 30 DAYS following the final determination by the Secretary of State, an aggrieved party may appeal the Secretary's determination to the District Court in and for the City and County of Denver. [C.R.S. 1-1.5-105(4)]

Section 10 – Effect of Title I Payments

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

Colorado received $7.04 million under Sections 101 and 102, Title I of HAVA.

§101 – Payments to states for activities to improve administration of elections

Colorado received $4.7 million to improve the administration of elections for Federal office. These funds have been, and will continue to be used to address the following activities:

- ❖ Administer HAVA in the State
- ❖ Comply with Title III requirements, and
- ❖ Improve the administration of elections for Federal office.

§102 – Replacement of punch card or lever voting machines

Colorado received $2.2 million in Section 102 funds for the replacement of punch card voting systems in 682 qualifying precincts in five counties in the State. With interest earned on those funds, the state distributed over $2.3 million in 2005 and 2006 to Boulder, Jefferson, Mesa, Montrose, and Pitkin Counties who, prior to the August 2006 Primary Election, had replaced all punch-card equipment in the state.

Table 10.1 lists the Colorado precincts for equipment buy-out:

Table 10.1

COUNTY	PRECINCTS
Boulder	249
Jefferson	322
Mesa	71
Montrose	22
Pitkin	18
Total	**682**

March 2008 Update:

The State has approximately $3,000,000 remaining in Title I, Section 101 funds received in 2003. These funds are used primarily to administer the HAVA program in the State and will not affect the new activities proposed to be carried out with the additional 2008 requirements payment.

Section 11 – State Plan Management

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

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

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

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

-- HAVA §254 (a)(11)

Colorado has used the State Plan as the basis for managing the activities necessary for the implementation of HAVA requirements. The Secretary of State is ultimately responsible for the management and implementation of the State Plan.

Title II of the Help America Vote Act requires each state to describe how it will manage the implementation of its proposed HAVA plan. This description must include who is responsible for implementation and monitoring, the process for changing the state plan, implementation timelines, and reporting requirements for counties and projects. Colorado has conduct plan management at multiple levels.

In Colorado, the Chief State Election Official is the Secretary of State. The Secretary of State has the ultimate responsibility for the implementation of HAVA requirements. As a result, the Secretary of State possesses has final authority in decision-making and management of the HAVA program.

Individual leaders have responsibility for the day-to-day coordination and implementation of distinct projects within the HAVA plan. These project managers may be State Elections Division staff, Contractors, or county representatives. Project managers and project/task leaders determine appropriate reporting based upon the needs, requirements, complexity, and risk factors of each project.

The State of Colorado will comply with HAVA requirements related to ongoing management of the State Plan. Future material changes in the administration of the State Plan will not be made unless the change is developed and published in the Federal Register in accordance with HAVA §255 and §256.

Section 12 – Changes to State Plan from Prior Year

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

-- HAVA §254 (a) (12)

The Colorado State Plan was initially submitted as required under P.L. 197-252 in July of 2003.

Changes have been integrated into this document on an as needed basis where they apply.

March 2008 Update:

Changes since March 2007 have been integrated into this document as applicable.

Section 13 – Colorado HAVA Team

This vision of elections to come in Colorado is a direct result of the dedicated teamwork of community stakeholders who have donated their time and talent to this long-term project. Ensuring integrity, independence and self-determination is an exciting challenge that the Help America Vote Act Committee and Subcommittees have embraced enthusiastically.

For further information please visit our website at:

www.sos.state.co.us
In the "Election Center"
Under
"Help America Vote"

1700 Broadway Suite 270
Denver, CO 80290
(303) 894-2200
(Select "3" for the Elections Division)

Public Comment Period for this Document is August 1, 2007 Through September 1, 2007. To provide public comment please email your comments to:

sos.elections@sos.state.co.us

March 6, 2008

Public Comment Period for the updates to this document is March 6, 2008 through April 5, 2008. Public comments should be emailed to:

sos.elections@sos.state.co.us

Glossary

TERM	DEFINITION
ADA	Americans with Disabilities Act
ADR	Alternative Dispute Resolution
C.R.S.	Colorado Revised Statutes
DRE	Direct Recording Electronic
FEC	Federal Elections Commission
H.B.	House Bill
HAVA	Help America Vote Act
IT	Information Technology
NASED	National Association of State Election Directors
NIST	National Institute of Standards and Technology
P.L.	Public Law
PMO	Project Management Office
RFB	Request for Bid
RFI	Request for Information
RFP	Request for Proposal
S.B.	Senate Bill

[FR Doc. E8–15871 Filed 7–11–08; 8:45 am]
BILLING CODE 6820–KF–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–429–000]

Kern River Gas Transmission Company; Notice of Application

July 7, 2008.

Take notice that on June 20, 2008, Kern River Gas Transmission Company (Kern River), 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, Utah 84121, filed an abbreviated application in the above referenced docket pursuant to section 7(c) of the Natural Gas Act (NGA), and Subpart 157 of the Commission's regulations, for an order granting (1) a certificate of public convenience and necessity authorizing Kern River to construct and/or modify, and operate the facilities needed to expand its year-round, firm transportation capacity from Opal receipt meter in Lincoln County, Wyoming, to the Daggett-PG&E and Kramer Junction delivery meters in San Bernardino County, California, by 145,000 Dth/d; (2) an increase to its certificate pipeline maximum allowable operating pressure (MAOP) from 1,200 psig to 1,333 psig, and an increase to its certificated compressor and meter station MAOP from 1,250 psig to 1,350 psig; (3) predetermination that the costs and fuel usage associated with Kern River's 2010 Expansion may be rolled into Kern River's 2003 Expansion for transportation rate and fuel reimbursement purposes; (4) approval of regulatory asset/liability accounting for differences between book and regulatory depreciation resulting from use of Kern River's levelized rate design; (5) approval of Kern River's proposed accounting treatment for contributions in aid of construction integral to the 2010 Expansion design; and, (6) acceptance of the pro forma tariff sheets included in Exhibit P to the application, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

The proposed new facilities, modifications to existing facilities and the requested MAOP uprate include (1) installation of a new 20,500 ISO-rated horsepower turbine driven compressor at the Muddy Creek compressor station B Plant in Lincoln County, Wyoming; (2) compressor restaging at the Muddy Creek and Painter compressor stations; and (3) installation of additional measurement equipment at the Opal and Kramer Junction meter stations. The proposed additions, modifications and uprates will add a net 20,500 ISO-rated horsepower to the Kern River system, increasing its summer design capacity from 1,731,126 Dth/d to 1,876,126 Dth/d. The estimated total cost of the proposed 2010 Expansion is $62.1 million, which will be financed with internally generated funds. Kern River proposes to charge 2010 Expansion shippers the transportation rates and fuel reimbursement charges applicable to Kern River's 2003 Expansion.

Any questions concerning this application may be directed to Billie L. Tolman, Manager, Regulatory Affairs, Kern River Gas Transmission Company, 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, Utah 84121, at (801) 937–6176.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public