4. *Alternatives.* (a) No Action: No plans would be implemented to reduce flood risk. (b) Proposed Alternative Plans: None have been formulated to date.

5. *Public Involvement.* Public involvement, an essential part of the EIS process, is integral to assessing the environmental consequences of the proposed action and improving the quality of the environmental decision making. The public includes affected and interested Federal, State, and local agencies, Indian tribes, concerned citizens, stakeholders, and other interested parties. Public participation in the EIS process will be strongly encouraged, both formally and informally, to enhance the probability of a more technically accurate, economically feasible, and socially and politically acceptable EIS. Public involvement will include but is not limited to: Information dissemination; identification of problems, needs and opportunities; idea generation; public education; problem solving; providing feedback on proposals; evaluation of alternatives; conflict resolution by consensus; public and scoping notices and meetings; public, stakeholder and advisory groups consultation and meetings; and making the EIS and supporting information readily available in conveniently located places, such as libraries and on the Internet.

Participation of all interested Federal, State, and County resource agencies, as well as Native American peoples, groups with environmental interests, and all interested individuals is encouraged. Public involvement will be most beneficial and worthwhile in identifying pertinent environmental issues, offering useful information such as published or unpublished data, direct personal experience or knowledge which inform decision making, assistance in defining the scope of plans which ought to be considered, and recommending suitable mitigation measures warranted by such plans. Those wishing to contribute information, ideas, alternatives for actions, and so forth can furnish these contributions in writing to the points of contacts indicated above, or by attending public scoping meetings. Notice of public scoping meetings will be published in the local and regional newspapers.

When plans have been devised and alternatives formulated to embody those plans, potential environmental and social impacts will be evaluated in the DEIS. These analyses will emphasize at least fifteen categories of resources: Land use, hazardous wastes, physical environment, hydrology, groundwater, biological, archaeological, historical, geological, air quality, noise, transportation, socioeconomics, and safety.

6. *Scoping Process.* Scoping, an early and open process for identifying the scope of significant issues related to the proposed action to be addressed in the EIS, will be used to: (a) Identify the affected public and agency concerns; (b) facilitate an efficient EIS preparation process; (c) define the issues and alternatives that will be examined in detail in the EIS; and (d) save time in the overall process by helping to ensure that the Draft EIS adequately addresses relevant issues. An initial public scoping meeting will be held on Thursday, June 25, 2009, in Surprise, AZ. Announcements through local and regional media, as well as a scoping meeting public notice announcing the location, date and time of the scoping meeting will be mailed to all interested parties during June 2009. Interested parties are encouraged to express their views throughout the entire study process. Comments will be welcomed at the public scoping meeting. In addition, written comments will also be accepted during the scoping comment period which will extend 30 days from the date of the scoping meeting public notice.

7. *Interagency Coordination and Cooperation.* The USACE and the USFWS have formally committed to work together to conserve, protect, and restore fish and wildlife resources while ensuring environmental sustainability of our Nation's water resources under the January 22, 2003, Partnership Agreement for Water Resources and Fish and Wildlife. The USFWS will provide a Fish and Wildlife Coordination Act Report. Coordination will be maintained with the USFWS regarding threatened and endangered species under their jurisdictional responsibilities. The Arizona Game and Fish Department (AZGFD) will be consulted concerning potential impacts to sensitive species and habitats. Coordination will be maintained with the Advisory Counsel on Historic Preservation and the State Historic Preservation Officer (SHPO). Coordination will be maintained with the U.S. Environmental Protection Agency (USEPA) concerning compliance with Executive Order 12898, ''Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations.''

8. *Availability of the EIS.* It is anticipated that the DEIS will be available for public review during the spring of 2011. The DEIS or a Notice of Availability (NOA) will be provided during the 45-day review period to affected Federal, State and local agencies, Indian Tribes, and other interested parties.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–12388 Filed 5–27–09; 8:45 am]

BILLING CODE 3720–58–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** changes to the HAVA State plans previously submitted by Florida and Ohio.

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. This is Florida's third revision to its State plan and Ohio's second revision to its State plan.

The revised State plans from Florida and Ohio address changes in the respective budgets of the previously submitted State plans and account for the use of Fiscal Year 2008 requirements payments. In accordance with HAVA section 254(a)(12), all the State plans submitted for publication provide information on how the respective State succeeded in carrying out its previous State plan. The States all confirm that these changes to their respective State

plans were developed and submitted to public comment in accordance with HAVA sections 254(a)(11), 255, and 256.

Upon the expiration of thirty days from May 28, 2009, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

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

The Honorable Kurt S. Browning, Secretary of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399–0250, Phone: (850) 245–6500, Fax: (850) 245–6125.

The Honorable Jennifer Brunner, Secretary of State, 180 East Broad Street, 15th Floor Columbus, Ohio 43215–3726, Phone: (614) 466–2655, Fax: (614) 644–0649.

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

Dated: May 20, 2009.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

This 2009 Update to subsection A.1. Introduction of Element 1 replaces the existing version as found on pages 7-8 of the 2006 HAVA State Plan.

ELEMENT 1. USE OF TITLE III REQUIREMENTS PAYMENTS

A. VOTING SYSTEMS

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

1. Introduction

After the 2000 General Election, Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes evolved from recommendations by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology. The Legislature adopted them in the Florida Election Reform Act of 2001. A central component of Florida's election law at that time mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic (DRE or "touch screen") voting systems. The introduction of these voting systems sought to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

The Legislature set the minimum standards for voting systems in this state. The Bureau of Voting Systems Certification within the Department of State has adopted rules that expand upon those standards for voting systems purchased and used in Florida. The Bureau is required to conduct bi-ennial review of the standards for voting systems. Each voting system goes through vigorous testing prior to its certification and use in Florida.

Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for use in elections. Following the 2000 General Election, the State of Florida provided $24 million to assist counties in purchasing new certified voting systems. For the fiscal year 2004-05, the Florida Legislature additionally appropriated $11.6 million to assist Supervisors of Elections with purchasing DREs in order to provide one accessible voting system at each polling place. For the fiscal year 2005-06, the Legislature appropriated $13,406,163 to reimburse sixteen counties that acquired accessible voting systems prior to July 1, 2004. In addition, eight counties received a total of $63,215 as reimbursement for existing DREs that were not included in the fiscal year 2004-05 appropriations.

In July 2007, the Legislature initiated a major shift in voting systems requirements. As of July 1, 2008, all 67 counties are required to use marksense ballot systems as their primary voting system. Each county is still required to have one voter interface device in each polling place that meets the accessibility requirements for individuals with disabilities, which can be a DRE. However, in 2012, voter interface devices for persons with disabilities must also meet the requirement to allow voting by marksense ballot. Fifteen counties that exclusively used DREs for precinct voting purchased marksense voting systems for use in all elections held after July 1,

2008. Also in 2007, the Legislature authorized certain counties to use a ballot-on-demand production system for early voting and absentee voting. The purpose was to facilitate the county's ability to have an ample supply of all ballot styles at each early voting location. The Legislature appropriated $27,861,850 of HAVA funds for the purchase of optical scan and ballot-on-demand equipment after authorization obtained by the U.S. Election Assistance Commission.

There are currently three manufacturers who have certified voting systems for use in Florida: Premier Election Solutions (formerly Diebold Election Systems, Inc. (DESI)); Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems for the period through 2006 and through 2009:

Table 1.1

(October 2006) Voting Systems and Number of Counties in Use For Precinct and Absentee Voting

Florida Certified Voting System	Precinct Equipment	Accessible Equipment	Central Count Method	Counties
Diebold Voting System Release 1-18-19, Version 2	AccuVote OS	AccuVote TSx DRE	Optical scan	22
Diebold Voting System 2005 B (Blended) + (Plus Audio)	AccuVote OS	AccuVote TSx DRE	Optical scan	9
ES&S Voting System Release 4.5, Version 1	Optech III P Eagle	iVotronic DRE	Optical scan	7
ES&S Voting System Release 4.5, Version 2	Model 100	iVotronic DRE	Optical scan	14
ES&S Voting System Release 4.5, Version 2	iVotronic DRE	iVotronic DRE	Optical scan	11
Sequoia AVC "Edge" Voting System Release 4.3.320	Edge I DRE	Edge I DRE	Optical scan	4

Table 1.2

(February 2009) Voting Systems and Number of Counties in Use For Precinct and Absentee Voting

Florida Certified Voting System	Precinct Equipment	Accessible Equipment	Counties
ESS	Paper Ballot Tabulator	iVotronic DRE	31
	Paper Ballot Tabulator	AutoMARK	1
			32
Premier	Paper Ballot Tabulator	AccuVote TSX DRE	30
	Paper Ballot Tabulator	AutoMARK	3
			33
Sequoia	Paper Ballot Tabulator	Edge DRE	**2**
			Total: 67

2009 Update to Florida's HAVA State Plan : Element 1

Section 301 of the Title III of the Help America Vote Act of 2002 (HAVA) also established new voting system requirements that were to be met by January 1, 2006. Florida is in compliance with these new federal directives and these are addressed in the HAVA State Plan.

2009 Update to Florida's HAVA State Plan: Element 6

This 2009 Update to Element 6 replaces in its entirety Element 6 as written on pages 65-76 of the 2006 HAVA State Plan.

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

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

(A) the costs of the activities required to be carried out to meet the requirements of Title III;
(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
(C) the portion of the requirements payment which will be used to carry out other activities.

1. Introduction
Each of the HAVA Planning Committees has clearly recognized its advisory role in election reform and acknowledged the authority of the Florida Legislature to make funding decisions for Florida. The original budget and subsequent changes reflect the best efforts to divide the funds made available during the timeframe identified in each version of the HAVA Plans submitted.

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

3. Statewide Voter Registration System.
In 2003, the Florida Legislature directed the Department of State to begin development of a statewide voter registration system that would meet the requirements of HAVA. To date, approximately $28 million has been spent to develop and maintain the Florida Voter Registration System.

4. Section 301 Accessible Voting Systems
The HAVA Planning Committee (2003) recommended the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The cost was $11.6 million during the 2004-05 fiscal year. In addition, the HAVA Planning Committee (2003) recommended reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements.

For the fiscal year 2004-05 the Legislature appropriated $11.6 million to assist Supervisors of Elections (SOEs) with purchasing DREs in order to provide one accessible voting system at each polling place. Funds appropriated in FY 2004-05 were distributed to SOEs that had not acquired accessible voting systems by July 1, 2004. Fifty-one counties did not have accessible voting

systems at that time. The Division of Elections distributed the funds to those counties for this purpose pursuant to the terms of a memorandum of agreement.

For the fiscal year 2005-06 the Legislature appropriated funds to reimburse counties that acquired accessible voting systems prior to July 1, 2004. Funds in the amount of $13,406,163 were distributed to the sixteen counties that purchased accessible voting systems prior to July 1, 2004. The appropriation was included in the fiscal year 2005-06 General Appropriations Act, specific appropriation 2931. In addition, there were eight counties that received a total of $63,215 as reimbursement for existing DREs that were not included in the FY 2004-05 appropriations.

5. Voter Education

The HAVA Planning Committee (2003) recommended using HAVA funds for the development and implementation of a comprehensive statewide voter education program. For the fiscal year 2003-04, $2,976,755 was appropriated and available to Florida counties for voter education programs. For each fiscal year 2004-05 and 2005-06, local governments received $3 million for comprehensive voter education efforts. For the fiscal year 2006-07, the Legislature appropriated $2 million to distribute to Supervisors of Elections to assist with voter education activities. Each county was required to provide matching funds of 15%.

Activities relating to voter education include mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No Supervisor of Elections was to receive any funds until the county Supervisor of Elections provided to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

The HAVA Planning Committee (2009) recognized concerns that were raised about effective voter education for persons with disabilities, with specific reference to informing all voters with disabilities of the availability of accessible voting machines. The Committee urges the Department of State to encourage Supervisors of Elections to conduct, and assist them with conducting, more effective voter education to accomplish this important goal. The Department and Supervisors are encouraged to work with organizations serving persons with disabilities to accomplish this goal.

6. Poll Worker Training

The HAVA Planning Committee (2003) recommended using HAVA federal funds in the amount of $250,000 for each fiscal year 2003-04, 2004-05 and 2005-06 for poll worker training. These funds were intended to supplement each county's existing poll worker training budget. The 2004 Legislature did not appropriate federal funds for conducting a poll worker recruitment campaign.

The HAVA Planning Committee (2004) once again recommended using HAVA federal funds in the amount of $500,000, beginning with FY 2005-06, for poll worker training and recruitment, with a 15% match required of each county. The Legislature appropriated $4 million for poll worker recruitment and training in FY 2005-06. Of this $4 million, the Department of State

distributed $3 million to Supervisors of Elections to assist with poll worker recruitment and training. The Legislature provided $1 million for the Department of State to develop a statewide poll worker training curriculum. Each county was required to provide matching funds of 15%.

As provided for in HAVA, Section 251(b)(2)(B), States may use a portion of the requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the EAC that the amount expended does not exceed the minimum payment amount. Florida's minimum payment amount is $11,596,803.

In March 2006 the Department of State notified the EAC of its intent to use part of the requirements payment to assist county Supervisors of Elections with recruiting and training poll workers.

In FY 2006-07 the Legislature appropriated $1.5 million for poll worker recruitment and training activities. Of this amount, the Department of State distributed $1 million to Supervisors of Elections to assist with recruiting and training individuals to serve as poll workers. The Legislature authorized an additional $500,000 for the Department of State to use for necessary updates and revisions to poll worker training curriculum that was developed with funds appropriated in FY 2005-06.

The HAVA Planning Committee (2009) recognized concerns raised about insuring that voting machines that are accessible for persons with disabilities are properly set up when polls open, in a physically accessible location, and that all voters with disabilities, regardless of whether their disability is apparent or not, are informed of the availability of the accessible machines. The Committee urges the Department of State to encourage Supervisors of Elections to conduct, and assist them with conducting, training of poll workers to insure that such accessible machines are set up and ready to use, in a physically accessible location, when the polls open in each polling place in a county and that all voters are informed of the availability of such machines. The Department and Supervisors are encouraged to work with organizations serving persons with disabilities to accomplish this goal.

7. Federal Election Activities. The Florida Legislature appropriated a total of $2 million in fiscal year 2007-08 and $3 million in fiscal year 2008-09 for the counties under the category of "federal election activities." Funds disbursed under this category can be used for election administration activities such as voter education, poll worker recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Prior to receipt of these funds, the Supervisors of Election must submit a detailed program plan on how those funds will be expended and the Chair for the Board of County Commissioners must certify that the respective county has provided a 15% match in funds.

8. Statewide Poll Worker Recruitment Campaign

The HAVA Planning Committee (2003) recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free

elections. The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign. As indicated under the Poll Worker Training section, the Legislature did appropriate funds in the fiscal years 2005-06 and 2006-07 for poll worker training and recruitment programs.

9. HAVA Oversight and Reporting

The HAVA Planning Committee (2003) recommended that the Department of State create three full time positions to manage HAVA implementation:

- HAVA administrator
- Grants specialist
- Administrative assistant

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For the fiscal year 2003-04, the Division appropriated $206,079 for salaries and benefits, expenses and operating capital outlay. The three position titles are:

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

The actual costs for HAVA oversight and reporting were as follows:

- FY 2004-05 $171,201
- FY 2005-06 $193,599
- FY 2006-07 $188,091
- FY 2007-08 $170,737

The three positions currently assigned to HAVA oversight and reporting are: Senior Management Analyst Supervisor, Government Analyst I and Administrative Assistant II. Proposed budgets for subsequent fiscal years are as follows and are also included under budget projections in Other Election Administration Activities in tables that appear at the end of this section and in Table 12.1:

- FY 2008-09 $288,660
- FY 2009-10 $293,993
- FY 2010-11 $299,433
- FY 2011-12 $304,982

9. State Management (HAVA Planning Committee)

The HAVA Planning Committee (2003) recommended that the Secretary of State require it to meet twice each year in 2003-04 and in 2004-05 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-04 fiscal year at an estimated cost of $30,000.

The HAVA Planning Committee (2004) further recommended that it meet twice in the 2004-05 fiscal year at an estimated cost of $30,000 and twice in the 2005-06 fiscal year at an cost of $30,000. The HAVA Planning Committee (2006) convened twice in Fiscal Year 2006-07 at an estimated cost of $25,000. The HAVA Planning Committee (2009) met once in FY 2008-09 to develop revisions to the State Plan.

10. Performance Goals and Measures Adoptions

The HAVA Planning Committee (2003) recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures.

The HAVA Planning Committee (2004) determined HAVA performance goals and measures to update the HAVA State Plan. The only costs associated with developing the Performance Goals and Measures were costs related to conducting the HAVA State Planning Committee (2004) meetings on May 24, 2004, and June 4, 2004.

The HAVA Planning Committee (2006) updated the performance goals and measures as part of its second update to the original HAVA Plan.

11. Election Administration

The HAVA Planning Committee (2006) recommended using HAVA funds as needed for election administration activities such as printing new voter registration application forms, translating election materials, printing documents and publications, preparing training videos or other election administration activities. Estimated expenditures for these activities may vary each year and will be dependent upon annual legislative appropriations. (Pursuant to a Funding Advisory Opinion 08-005 issued by the U.S. Election Assistance Commission, HAVA funds may not be used to print, copy or revise State voter registration forms or to conduct voter registration drives.)

12. Complaint Procedures

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. In 2003, the Florida Legislature enacted Section 97.028, *Florida Statutes*, which provides the administrative complaint procedures for reporting potential violations of HAVA requirements. The process was developed and implemented without utilizing any HAVA funds. However, the HAVA Planning Committee (2006) recommended continued funding in the amount of $50,000 each year in the event expenditures are necessary to process complaints in the future.

13. Other Election Administration Activities

2009 Update to Florida's HAVA State Plan: Element 6

Pursuant to Section 251(b)(2)(A), States may use the requirements payment to carry out other activities to improve administration of elections for Federal office after the state has provided a certification to the EAC that it has implemented the requirements of Title III.

The HAVA Planning Committee (2004) recommended that the remaining HAVA funds be reserved for future expenses related to the following items:

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

In March 2006, Florida notified the Elections Assistance Commission of its intent to use $4,000,000.00 of the requirements payment to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Since the State had not yet met all the requirements of Title III, the State certified that the amount did not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) of Title II of HAVA which has been determined to be $11,596,803.00. In August 2006 Florida certified to the Elections Assistance Commission (EAC) that it had fully implemented all the requirements of Title III which has allowed Florida to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

Information on the State's best estimates of the costs of activities to meet the requirements of Title III of HAVA is displayed in charts on the following pages. The HAVA Planning Committee (2009) found that based on projected expenditures for FY 2008-2009, HAVA funds for continued maintenance and enhancements to the Florida Voter Registration System and for support will be exhausted by FY 2015-2016. Thereafter, other funding sources or options for FVRS will need to be explored in order to ensure that Florida remains in compliance with HAVA.

Table 6.1

Election Reform Revenues 2003- 2008 Fiscal Years

	HAVA 101	HAVA 102	HAVA 251	Total Federal Funds	State Matching Funds
2003-04	$ 14,447,580	$ 11,581,377	$ 47,416,833	$ 73,445,790	$ 525,000
2004-05	0	0	$ 85,085,258	$ 85,085,258	$ 6,103,018
2005-06	0	0	0	0	0
2006-07				0	0
2007-08				0	375,776
2008-09			$ 6,477,573	$ 6,477,573	$ 340,925
Total	$14,447,580	$11,581,377	$138,979,664	$165,008,621	6,968,943

2009 Update to Florida's HAVA State Plan: Element 6

Table 6.2

HAVA BUDGET FUNDING BY FISCAL YEAR 2004-05
2009 STATE PLAN UPDATE

	FY 2004-05 APPROPRIATION	EXPENDITURES THRU 6-30-05	BALANCE
Title III Requirements			
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	12,799,182	11,599,329	1,199,853
Sec. 301 Voting System Standards (Section 251 HAVA Funds)			
Funding to counties/purchase disability compliant voting systems	11,600,000	11,600,000	0
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	3,498,492	3,426,604	71,888
TOTAL	**27,897,674**	**26,625,933**	**1,271,741**

Table 6.3

HAVA BUDGET FUNDING BY FISCAL YEAR 2005-06
2009 STATE PLAN UPDATE

	FY 2005-06 APPROPRIATION	EXPENDITURES THRU 6-30-06	BALANCE
Title III Requirements			
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	11,396,747	11,193,625	203,122
Sec. 301 Voting System Standards (Section 251 HAVA Funds)			
Reimbursement to counties for disability accessible voting systems	17,000,000	11,985,284	5,014,716
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	7,195,000	6,293,124	901,876
TOTAL	**35,591,747**	**29,472,033**	**6,119,714**

Table 6.4

HAVA BUDGET FUNDING BY FISCAL YEAR 2006-07
2009 STATE PLAN UPDATE

	FY 2006-07 APPROPRIATION	EXPENDITURES THRU 6-30-07	BALANCE
Title III Requirements			
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	2,643,369	3,001,348	(357,979)
Bureau of Voter Registration Services	1,145,805	891,804	254,001
Sec. 301 Voting System Standards (Section 251 HAVA Funds)			
Reimbursement to counties for disability accessible voting systems	1,165,515	591,514	525,001
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	3,891,992	3,493,694	398,298
TOTAL	**8,797,681**	**7,978,360**	**819,321**

Table 6.5

HAVA BUDGET FUNDING BY FISCAL YEAR 2007-08
2009 STATE PLAN UPDATE

	FY 2007-08 APPROPRIATION	EXPENDITURES THRU 6-30-08	BALANCE
Title III Requirements			
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)			
Section 101 and Section 251 HAVA funds			
FVRS Development/Implementation	4,353,801	2,601,315	1,752,486
Bureau of Voter Registration Services	1,641,915	1,389,114	252,801
Sec. 301 Voting System Standards (Section 251 HAVA Funds)			
Funds to 15 counties to convert to marksense ballot voting system	22,968,625	10,713,625	12,255,000
Funds to 28 counties to purchase early voting ballot-on-demand equipment	4,893,225	4,893,225	0
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	2,460,424	2,294,763	165,661
Transfer to General Revenue		12,512,373	(12,512,373)
TOTAL	**36,317,990**	**34,404,415**	**1,913,575**

Table 6.6

HAVA BUDGET FUNDING BY FISCAL YEAR
2009 STATE PLAN UPDATE

	FY 2006-07 Actual Expenses	FY 2007-08 Actual Expenses	FY 2008-09 Actual Expenses	FY 2009-10 Proposed Budget	FY 2010-11 Proposed Budget	FY 2011-12 Proposed Budget
Title III Requirements						
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)						
FVRS – Systems (includes positions plus costs for software license fees and ongoing maintenance costs	3,571,028	2,601,314	4,803,937	5,022,292	7,363,640	5,655,813
FVRS - Bureau of Voter Registration Services (includes positions and regular operating expenses)	1,391,434	1,389,114	1,598.067	2,066,674	2,043,315	2,070,552
Sec. 301 Voting System Standards (Section 251 HAVA Funds)						
Reimburse counties for disability compliant voting systems	591,515	0	0	0	0	0
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)						
Election Administration Activities including voter education, poll worker recruitment and training, over-sight (including positions) and other election administration activities.	5,461,621	30,413,986	3,749,036	3,163,784	2,899,856	2,906,913
TOTAL	**11,015,598**	**34,404,414**	**10,151,040**	**10,252,750**	**12,306,811**	**10,633,278**

This 2009 Update to Element 12 replaces in its entirety Element 12 as written on pages 96-103 of the 2006 HAVA State Plan.

ELEMENT 12. CHANGES TO STATE PLAN FOR PREVIOUS FISCAL YEAR

Section 254(a)(12): ***In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.***

1. Introduction

Florida submitted its initial HAVA State Plan in 2004. In 2006, then Secretary of State Sue M. Cobb appointed a new HAVA Planning Committee to update the 2004 HAVA State Plan. Through a competitive bid process, the Secretary selected the Collins Center for Public Policy, Inc., to staff the update process. The HAVA Planning Committee (2006) held two public meetings—one in Pensacola, Florida on September 21, 2006, and one in Miami, Florida on October 12, 2006.

In 2009, Secretary of State Kurt S. Browning appointed a new HAVA State Planning Committee to update the 2006 HAVA State Plan to reflect recent state legislative changes and provide updated budgetary information. As with prior HAVA Planning Committees, the HAVA Planning Committee (2009) focused on three types of changes:

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

As has been the practice with prior committees, the HAVA Planning Committee (2009) received copies of the original plan and the Help America Vote Act of 2002. All updates and changes to the plan from the previous fiscal year were noted as follows:

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

The HAVA Planning Committee (2009) held one public meeting on March 23, 2009 in Tallahassee, Florida. The names of prior and current committee members are listed under the amended Element 13 of this plan.

2. HAVA State Plan's Substantive Changes from Previous Fiscal Year

The following chart is a summary of how the HAVA State Plan has substantively changed for the specified timeframes and how the State succeeded in carrying out the HAVA State Plan for the fiscal years noted.

Table 12.1

Element 1. Use of Title III Requirements Payments	
A. Voting Systems	
2004-2006	Certified voting systems were added to the plan and decertified voting systems were deleted from the plan. Voting systems for voters with disabilities have been certified for use in each polling place. Certified voting systems performed as designed during the 2006 statewide Primary and General Elections. Florida meets all HAVA voting system requirements.
2007-present	*Voting Systems: Improvement, Acquisition, and Modification & Replacement.* In 2007, the Florida Legislature mandated that all voting be by marksense ballots. This eliminated the use of DREs in any election after January 1, 2008. An exception exists to allow DREs to be used by persons with disabilities. However, by 2012 all accessible voting systems used in the state must allow for voting by marksense ballots. Florida Voting System Standards (DS-DE11) as incorporated by reference into Rule 1S-5.001, Florida Administrative Code, meet the error rate established by the 1990 Federal Elections Commission and is in compliance with HAVA requirements. The Bureau of Voting Systems Certification within the Division of Elections conducts periodic updates of its voting systems standards. Although not bound by 2007 Voluntary Voting System Guidelines adopted by the Election Assistance Commission, the Bureau reviews the state standards against these guidelines and to the extent reasonably feasible, logistically possible and compliant with state law, the Division shall consider those standards and any subsequent standards in any update to its state standards. The Division of Elections enhanced its website to provide better public access to information on all certified voting system vendors by system title, county, vendor or precinct voting method. Pursuant to section 101.5606, Florida Statutes, the Division additionally devised and uses the Florida Voting Systems Certification Checklist & Test Record in order to better document and monitor the process. Certified voting systems performed as designed in elections for the 2008 Presidential Preference Primary, Primary and General Elections. Florida continues to meet all HAVA voting system requirements.
B. Provisional Voting and Voting Information	
2004-2006	Florida Supreme Court case ruled that in order for provisional ballot to count, the provisional ballot must be cast only in the precinct in which the voter is registered. See *AFL-CIO v. Hood, 885 So.2d 373 (Fla. 2004).* Under state law, persons casting provisional ballots have until 5:00 p.m. on the 3rd day following an election to present written evidence supporting their eligibility to vote.
2007-present	In 2008, the Florida Legislature changed the law to reduce the number of days from 3 days to 2 days in which a provisional ballot voter has to present evidence of eligibility in order for the provisional ballot to count. (see s.13, chapter 2007-30, Laws of Florida). Those voters who vote provisionally solely because they failed to provide a photo and signature identification at the polls do not need to provide further evidence of eligibility. If the canvassing board finds that the signature on the provisional ballot certificate matches the signature on record, the provisional ballot will count. See section 101.048, Florida Statutes.

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C. Voter Registration System	
2004-2006	Florida developed and implemented the new Florida Voter Registration System (FVRS). The FVRS became operational in January 2006. The FVRS complies with all of HAVA's requirements under section 303. FVRS performed as designed during the 2006 statewide Primary and General Elections. The Secretary of State created the Bureau of Voter Registration Services to direct and facilitate the operations of the FVRS.
2007-present	• The State continuously re-evaluates, adjusts and enhances FVRS list maintenance in a nondiscriminatory manner and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. Two primary maintenance processes occur regularly to ensure that the voter registration records are accurate and current. One is based on address changes and the other is based on ineligibility. The Florida Legislature amended the law in 2008 that affects the biennial and continual address list maintenance activities conducted at the local level. See ss.6-7, chapter 2008-95, Laws of Florida. The law changed to allow voter registration officials to immediately change the address of a voter registration record in FVRS upon receipt of change-of-address information received from third party sources such as postal service, the Department of Highway Safety and Motor Vehicles, and jury notices. This process represents a departure in that previously a voter had to confirm such address change before the change could be entered into the system. With the new law, the change is entered first and then a notice is sent to the registered voter at his or her newly recorded residence address. The registered voter is asked to verify or correct the address change as already made. See section 98.065(4), *Florida Statutes*. At the state level, the Department continues to streamline and automate to the extent possible the list maintenance processes undertaken by the Bureau of Voter Registration Services (BVRS) pursuant to section 98.075, Florida Statutes. In 2009, the Bureau of Voter Registration Services automated its process for identifying duplicate records in FVRS. Upon receipt of automated system notices, Supervisors of Elections are required to review and resolve whether the records are duplicates. BVRS has also revamped its procedures in conjunction from the Florida Department of Law Enforcement and the Florida Association of Clerks of Court to refine the process for identifying registered voters who are felons or persons who have been declared by a court to be mentally incapacitated. Documentation in support of a registered voter's potential ineligibility is forwarded to the Supervisors of Elections. The Supervisor of Elections is then responsible for initiating and following through the notice and removal steps in section 98.075(7), Florida Statutes. Finally, BVRS in conjunction with the Florida Department of Health's Office of Vital Statistics has scheduled more frequent data transfer of death records. This information as subsequently matched against registered voter records is transmitted to the Supervisors of Elections for immediate record removal from FVRS. • In 2006, Florida instituted a process for verifying personal identifying information on the voter registration application as required by HAVA and in accordance with State law (Sections 97.053 and 97.057, *Florida Statutes*). The Florida Department of State entered into an agreement with the Florida Department of Highway Safety and Motor Vehicles to match and verify the accuracy of the information on the voter registration application. In turn, under HAVA, the Executive Director of the Department of Highway Safety and Motor Vehicles entered into an agreement in November 2005 with the Commissioner of Social Security Administration to verify the last four digits of the social security numbers provided on the applications. The Department of State is still working on updating the agreement to reflect current maintenance and operational rules and criteria for identification verification in light of the upcoming changes resulting from DHSMV's implementation of the REAL ID Act.

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	• In 2008, the Florida Legislature amended the voter registration process as pertained to the verification of an applicant's personal identifying number. The law required a person to provide proof of his or her identity by providing a personal identifying number (i.e., Florida driver's license number, Florida identification card number, or last 4 digits of the Social Security) on the application. The personal identifying number would then be verified by the Florida Department of Highway Safety and Motor Vehicles or the Social Security Administration, whichever was applicable. If the number could not be verified, the law previously allowed a person to prove his or her identity by bringing in authenticating evidence of the number as originally provided on the application. By doing so, the person's application could be processed and if the person voted a provisional ballot, his or her ballot would be counted. With the change in law in 2008, a person is no longer limited to bringing in evidence of the number as originally provided on the application. A person may now bring in evidence of either the same number, a different number of the same type as originally provided, or a different number altogether, provided it is authentic evidence of the person's Florida Driver's License Number or state identification card number or the last 4 digits of his or her social security number. If the Supervisor of Elections finds the evidence to be sufficient, the person is registered as an active voter. See s. 3, chapter 2008-95, *Laws of Florida* (amending section 97.053(6), *Florida Statutes*. FVRS continues to meet all HAVA voter registration and computerized list maintenance system requirements.

Element 2- Local Government Payments and Activities	
2004-2006	• In FY 2004-05, the State of Florida distributed $11.6 million to local Supervisors of Elections to purchase one accessible voting system for each polling place. • In FY 2005-06, the State of Florida distributed $13,406,193 to reimburse 16 counties that acquired accessible voting systems prior to July 1, 2004. • In FY 2005-06, the State of Florida distributed an additional $63,215 to reimburse eight other counties that acquired accessible voting systems prior to July 2004 and were not included in funding provided in FY 2004-05. • In FYs 2004-05 and 2005-06, the State of Florida distributed to local governments $3,000,000 each fiscal year to fund comprehensive voter education efforts. • In FY 2005-06, the State of Florida distributed $3,000,000 to local Supervisors of Elections to conduct poll worker recruitment and training. The accessible voting machines performed as designed during the 2006 statewide Primary and General Elections.
2007-present	• ***Federal Election Activities.*** The Florida Legislature appropriated a total of $2 million in fiscal year 2007-08 and $3 million in fiscal year 2008-09 for the counties under the category of "federal election activities." Funds disbursed under this category can be used for election administration activities such as voter education, poll worker recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Prior to receipt of these funds, the Supervisors of Election must submit a detailed program plan on how those funds will be expended and the chair of the Board of County Commissioners must certify that the respective county has provided 15% matching funds. • ***Voting Systems and Ballot-on-Demand Assistance***. In 2007, the Florida Legislature appropriated $22,968,625 to assist 15 counties in the conversion from touch screen voting systems to optical scan voting systems in accordance with state law mandate. An additional grant of $4,893,225 was disbursed to 28 counties to assist with the purchase of Ballot-on-Demand equipment for use in early voting.

Element 3- Voter Education	
2004-2006	The HAVA Planning Committee (2004) recommended and the Legislature approved an additional $3 million for voter education in FY 2005-06. The 2004 Voter Education Program Report to the Florida Legislature and Governor concluded that county voter education efforts were considered useful or well received by voters. In 2006, a review of voter education programs throughout Florida indicated a variety of programs being used including sample ballots, nonpartisan voter education, media advertising, and innovative programs. In response to an Auditor General Report (2006-194), the Department of State took measures to closely monitor county voter education reports to ensure compliance with HAVA. Also in 2006, the Florida Legislature directed the Division of Elections to develop a statewide uniform training curriculum for poll workers in 2006.
2007-present	• ***Poll worker Training***: The Department of State completed the Florida State Poll Workers Training Manual in 2007. Supervisors of Elections currently use the manual to assist in training poll workers. • ***Voter Education Program/Federal Activities Funding***: The State of Florida funded county voter education programs as follows: ○ Fiscal year 2006-07: $2 million ○ Fiscal years 2007-08 and 2008-09: $5 million total for federal election activities. This amount could be applied towards voter education and poll worker recruitment and training. • ***Dissemination of Information to Voters and Election Officials***: ○ In 2008, the Division of Elections completely revamped its Internet website (http://elections.myflorida.com). The website offers an extensive array of information for the voter, candidates and committees, and elections officials. Topics covered include voter registration procedures, election dates, statistical reports, elections fraud, press releases, voting systems, Supervisor of Elections' contact information, laws/opinions/rules, campaign financial reporting, committee registration, candidate qualifying requirements, initiative petition process and other helpful governmental links. Prominently displayed on the Web Site home page is information on: the Voter Assistance Hotline Toll Free Number—for the general public and for people using Text Telephone (TTY); and the Florida Voter Fraud Hotline Toll Free Number. ○ County Supervisors of Elections must constantly update information disseminated to the public, poll workers, and their own staff to conform to state legislative mandates and HAVA requirements including the change in law regarding acceptable forms of identification in order to vote. In 2008, the Florida Legislature amended section 101.6923, *Florida Statutes* (relating to special first-time mail-in registrants), to conform this section of law to a 2007 change to section 101.043, Florida Statutes (relating to identification at the polls) that eliminated two forms of previously acceptable forms of photo identification: employee badge or identification and the buyer's club identification. • ***Voter Education Program Reports*** ○ In the *Report on Voter Education Programs During the 2006 Election Cycle* (2007), the Department concluded the supervisors of elections use their voter education programs to generate an interest in the election process and to increase voter participation. All of the broad voter education categories listed in the report received an effectiveness rating of four or five (with 5 being the highest ranking.)A November 2006 survey conducted by the Collins Center for Public Policy indicated that 88% of the respondent voters rated supervisors as "Excellent-Good" in providing voter information during the election period.

	○ In the *Report on Voter Education Programs During the 2008 Election Cycle* (2009), the Department found the Supervisors of Elections took a proactive role in educating citizens about the election process and their rights and responsibilities, and motivating them to participate in that process. An increase in new voter registration (by 813,000) and a 75.2% voter turnout during the 2008 Election was attributed in part to voter education efforts. All of the broad voter education categories listed in the report received an effectiveness rating of four or five (with five being the highest ranking). ▪ ***Overvote and Undervote Reports*** 1. The *Analysis and Report of Overvotes and Undervotes for the 2006 General Election* (January 31, 2007) continued to examine the "factors relating to no valid votes being cast." No valid vote refers to the combined uncounted votes due to overvotes, undervotes, and invalid write-in votes. The report concluded that "combined under and overvote rate is a function of the contest of interest and the data strongly suggested that it is cyclical with the type of general election (presidential or gubernatorial)." 2. *Analysis and Report of Overvotes and Undervotes for the 2008 General Election* (January 31, 2009) examined the impact of the change in voting method due to Florida's shift to optical scan or marksense ballot voting. The analysis reveals an overall increase in the combined 'no valid rate' from 0.41% for 2004 to .75% for 2008. A comparison of the 2002 and 2006 Governor's races with the 2004 and 2008 Presidential races showed that the "no valid vote" rate is race dependent. The overvote rate increased for all 67 counties in the 2008 General Election but the increase was attributed to the change in 15 counties that switched to optical scan voting from touch screen voting where the technology prevented an overvote. With the change in voting method, the 2008 Presidential overvote rate is 0.28% compared with 0.05% for the 2004 results. The 2008 Presidential undervote rate of 0.26% improved from 0.36% in 2004. The invalid write-ins for 2008 increased to 0.22% from the 2002 rate of 0.08% and 0.06% in 2006. Florida had 35,874 provisional ballots with a 48.1% rejection rate. Of the remaining accepted provisional ballots, the combined "no valid vote" rate was 1.15% with an undervote rate of 0.39% and an overvote rate of 0.76%. The order of increasing "no valid votes" in early voting, election day, absentee, and provisional ballot implies that the voter has an increasing risk of not casting a valid vote without having the voting system alert if there is an overvote or blank ballot using the absentee method or casting a provisional ballot. In conclusion, the increase in the combined 'no valid vote' was attributed primarily to overvotes, invalid write-ins, and particular voting method. The Bureau of Voting Systems Certification (BVSC) found no difference in the 'no valid rate' between paper ballots that used 'oval' versus 'arrow' selection targets, regardless of the voting system. All reports are posted and available for download on the Division of Elections' website at: http://elections.myflorida.com/reports.

Element 4- Voting System Guidelines and Processes	
2004-2006	The State of Florida certified three accessible voting systems vendors that provide audio ballot capability. Each accessible voting system includes at least one accessible voter interface device installed in each polling place. The State of Florida met the January 1, 2006 deadline for this HAVA planning element. The accessible voting systems performed as designed during the 2006 statewide Primary and General Elections.
2007-present	The Bureau of Voting Systems Certification (BVSC) is conducting an extensive review and revision of Department rules relating to voting system certification standards, purchase and sale, minimum security procedures, and uniform ballot design.

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Element 5- HAVA Election Fund	
2004-2006	There were no structural changes to the HAVA trust fund.
2007-present	There were no structural changes to the HAVA trust fund.

Element 6- HAVA Budget	
2004-2006	Florida's FY 2006-07 budget is $11,015,598. The two largest budget items for this fiscal year are approximately $5.5 million for Election Administration and $4.9 million for the new Florida Voter Registration system (FVRS). The HAVA Planning Committee (2006) reviewed and recommended the following proposed HAVA budget for the next four fiscal years with all funding supporting the FVRS and election administration activities: FY 2007-08 $10,917,216 FY 2008-09 $11,064,642 FY 2009-10 $11,216,490 FY 2010-11 $11,372,894
2007-present	• ***Voter registration System.*** To date, the State has spent approximately $28 million on the development, maintenance and operation of the FVRS. • ***Voting Systems.*** In 2007, the Florida Legislature appropriated $22,968,625 to assist 15 counties in the conversion from touch screen voting systems to optical scan voting systems in accordance with state law mandate. An additional grant of $4,893,225 was disbursed to 28 counties to help buy Ballot-on-Demand equipment for use in early voting. • ***Federal Election Activities.*** The Florida Legislature appropriated a total of $2 million in fiscal year 2007-08 and $3 million in fiscal year 2008-09 for the counties under the category of "federal election activities." Funds disbursed under this category can be used for election administration activities such as voter education, poll worker recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Before receiving these funds, the Supervisor of Election must submit a detailed program plan on how those funds will be spent and the chair of the Board of County Commissioners must certify that the respective county has provided 15% in matching funds. • ***HAVA Oversight and Reporting.*** The actual costs for oversight and reporting for the fiscal year 2006-07and 2007-08 were $188,091 and $170,737, The estimated costs for the following fiscal years are: ✓ FY 2008-09 $288,660 ✓ FY 2009-10 $293,993 ✓ FY 2010-11 $299,433 ✓ FY 2011-12 $304,982 • ***State Management -HAVA Planning Committee (2009).*** The HAVA State Planning Committee met once to determine material changes to the HAVA State Plan since the Plan was last updated in 2006. The Division of Elections provided administrative support.

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	• ***Proposed Budget.*** The HAVA Planning Committee (2009) reviewed and recommended the following proposed HAVA budget for the next four fiscal years as set forth here and in more detailed in revised charts contained in Element #6: ✓ FY 2008-09 $10,151,040 ✓ FY 2009-10 $10,177,750 ✓ FY 2010-11 $12,306,811 ✓ FY 2011-12 $10,633,278

Element 7- Maintenance of Effort	
2004-2006	A 2006 Auditor General Report (2006-194) determined that Florida's Maintenance of Effort is $3,570,408. The audit also revealed that in FY 2004-05, Florida did not meet the required maintenance of effort by $7,630. Year-end expenditures for the fiscal year 2005-06 exceeded the maintenance of effort by $207,186. This amount, more than compensated for the $7,630 shortfall for the fiscal year 2004-05.
2007-present	The Department's expenditures in FY 2006-07 to support the maintenance of effort were $3,810,939.56 which exceeded the required amount of $3,570,408 (i.e., by $240,531.56). In FY 2007-08, the Department's expenditures to support the maintenance of effort were $3,587,102.38 which exceeded the required maintenance of effort by $16,694.38.

Element 8- Performance Measures	
2004-2006	The HAVA Planning Committee (2006) approved the following changes to the performance measures: • The goal to certify voting systems for voters with disabilities has been achieved. Accessible voting machines including non-visual accessibility for the blind and visually impaired are in each polling place. • The Florida Voter Registration System (FVRS) is operational. The Department of State will continue to monitor list maintenance activities performed by the Supervisors of Elections and FVRS security operations for compliance with HAVA. • The Department of State will collect from each county the reason why a person voted a provisional ballot in order to improve the registration process.
2007-present	By 2012, each voter accessible interface device already compliant with HAVA requirements must satisfy new state law to allow persons with disabilities to vote on devices using marksense ballots.

Element 9-Administrative Complaint Process	
2004-2006	There were no changes for this element of the HAVA State Plan.
2007-present	No material changes exist.

Element 10- Effect of Title One Payments	
2004-2006	Florida received $26,028,957 in Title I funds. These Title I funds have been used since 2003 to improve Florida election administration including replacing voting systems, educating voters, and improving access for voters with disabilities. In FY 2004-05 and 2005-06, local governments received $3 million each year for comprehensive voter education efforts. In FY 2004-05, the Legislature appropriated $11.6 million to assist local governments with purchasing one accessible voting system for each polling place. However, these funds were distributed from Title II. The HAVA Planning Committee (2006) recommended using the Title I funds as needed for election administration activities such as printing new voter registration application forms, translating election materials, printing documents and publications, preparing training videos or other election administration activities. (Pursuant to Funding Advisory Opinion 08-005 issued by the U.S. Election Assistance Commission, HAVA funds may not be used to print, copy or revise State voter registration forms or to conduct voter registration drives.) The HAVA Planning Committee (2006) also recommended that the Florida Legislature encourage vendors to continue to develop enhancements and new technologies that meet or exceed federal and state requirements for accessibility in voting systems and polling places. Although not part of Title I funds, the Department has received from the U.S. Department of Health & Human Services (HHS) four grants to improve polling place accessibility. These grants totaled $2,203,909.
2007-present	▪ ***Polling Place Accessibility for Persons with Disabilities***. Since 2006, the Department has received two more HHS grants to improve polling place accessibility. The total amount for all grants received to date is $3,494,444. ▪ ***Voter Education Regarding Voting Procedures, Voting Rights and Voting Technology***. See expenditures for Federal Elections Activities under Element #6 in chart.

Element 11- HAVA State Plan Management Section	
2004-2006	No substantive changes were made to the HAVA State Plan Management Section.
2007-present	No material changes.

Element 12- HAVA Changes in State Plan for Previous Fiscal Year	
2004-2006	The HAVA State Plan was updated to reflect changes from FY 2004-05.
2007-present	See 2009 amendments to 2006 HAVA State Plan.

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Element 13- HAVA State Plan Development and Planning Committee	
2004-2006	The HAVA Planning Committee (2006) met once in Pensacola and once in Miami during Fall 2006 to update the HAVA State Plan. The HAVA Planning Committee (2006) consisted of 12 members, eight members of whom had not served before: 1. The Honorable Lester Sola, Supervisor of Elections, Miami-Dade County 2. The Honorable Terry Vaughn, Supervisor of Elections, Bradford County 3. The Honorable Bill Posey, State Senator, District 24, Rockledge, FL 4. The Honorable Ron Reagan, State Representative, District 67, Sarasota, FL 5. Mr. Richard Perez, Attorney, Holland and Knight, Miami, FL 6. Dr. Alec Yasinsac, Professor, Florida State University, Tallahassee, FL 7. Mr. Reggie Mitchell, Counsel for the People for the American Way Foundation, Tallahassee, FL 8. Ms. Sallie Parks, former Pinellas County Commissioner, Palm Harbor FL
2007-present	The HAVA Planning Committee (2009) met once in Tallahassee, Florida on March 23, 2009. The Committee (2009) consisted of: *Chairman* The Honorable Kurt S. Browning, Secretary of State, *Members* The Honorable Lois Benson, Pensacola, FL The Honorable Kenneth W. Detzner, Tallahassee, FL The Honorable Penny Halyburton, Supervisor of Elections for St. Johns County, St. Augustine, FL Mr. Richard LaBelle, Executive Director Family Network on Disabilities of Florida, Inc., Clearwater, FL Mr. Randy Long, Florida Association of Court Clerks and Comptrollers, Tallahassee, FL Mr. Reginald J. Mitchell, Esq., Law Offices of Reginald J. Mitchell, Esquire Mr. Charlie Parker, Tampa Mr. Richard Perez, Esq., Holland and Knight, Miami, FL The Honorable Brenda Snipes, Supervisor of Elections for Broward County, Ft. Lauderdale, FL The Honorable Lester Sola, Supervisor of Elections for Miami-Dade County, Miami, FL The Honorable Marjorie Turnbull, Tallahassee The Honorable Andy Gardiner, State Senator, District 9, Orlando, FL, The Honorable Richard Glorioso, House Representative, District 62, Plant City, FL

This 2009 Update to Element 13 replaces in its entirety Element 13 as written on pages 104-110 of the 2006 HAVA State Plan.

Element 13. State Plan Development and HAVA Planning Committee

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

1. Introduction

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

2. Compliance: Designation and Meetings of HAVA State Planning Committee

Yes, and no further actions are required.

Florida's Secretary of State is the Chief State Election Official and has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the 2009 Planning Committee for the State of Florida included:

Chairman:
Kurt S. Browning, Florida Secretary of State

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

Other Local Election Officials:
Penny Halyburton, Supervisor of Elections for St. Johns County

Stakeholders/Representatives of Groups of Individuals with Disabilities:
Richard LaBelle, Executive Director of the Family Network on Disabilities of Florida, Inc.

Other Stakeholders and Citizens:
Kenneth W. Detzner

Lois Benson
Randy Long, Florida Association of Court Clerks and Comptrollers
Reggie J. Mitchell, Law Offices of Reginald J. Mitchell
Charlie Parker
Andy Gardiner, State Senator, District 9
Richard Glorioso, State Representative, District 62
Marjorie Turnbull
Richard Perez, Esq., Holland & Knight LLP

Members of the prior HAVA Planning Committees were as follows:

2003 HAVA Committee

Jim Smith, Chairman
Smith, Ballard and Logan

Kurt Browning
Supv. of Elections, Pasco County

Joe Celestin
Mayor, City of North Miami

Anna Cowin
State Senator --District 20

Dave Evans
National Federation of the Blind

Susan Gill
Supv. of Elections, Citrus County

Jane Gross
Florida League of Women Voters

Lindsay Harrington
State Representative --District 72

Arthur Hernandez, Esq.
Attorney at Law

Shirley Green Knight
Supv. of Elections, Gadsden County

Jim Kracht
Miami-Dade County

Richard LaBelle
Fla. Coalition on Disability Rights

David Leahy
Supv. of Elections, Miami-Dade County

Percy Luney
Florida A & M University

2004 HAVA Committee

Jim Smith, Chairman
Smith, Ballard and Logan

Kurt Browning
Supv. of Elections, Pasco County

Anna Cowin
State Senator, District 20

Jennifer Carroll
House of Representatives

Joe Celestin
Mayor, City of North Miami

David Evans
National Federation of the Blind

Susan Gill
Supv. of Elections, Citrus County

Jane Gross
Florida League of Women Voters

Arthur Hernandez, Esq.
Attorney at Law

Constance Kaplan
Supv. of Elections, Miami-Dade County

Shirley Knight
Supv. of Elections, Gadsden County

Jim Kracht
Florida Council of the Blind
American Council of the Blind

Richard LaBelle
Attorney at Law

2006 HAVA Committee

Jim Smith, Chairman
Smith, Ballard and Logan

Kurt Browning
Supv. of Elections, Pasco County

Jim Kracht
Miami, Florida

Richard La Belle, Esq.
Family Network on Disabilities of Florida, Inc.

Reggie Mitchell, Esq.
People For the American Way Foundation

Bill Posey
State Senator, District 24

Richard Perez, Esq.
Holland and Knight

Sallie Parks
Former Pinellas County Commissioner

Ron Reagan
State Representative, District 67

Lester Sola
Supv. of Elections, Miami-Dade County

Brenda Snipes
Supv. of Elections, Broward County

Terry Vaughan
Supv. of Elections, Bradford

Reggie McGill
City of Orlando

Miriam Oliphant
Supv. of Elections, Broward County

Isis Segarra
Tampa, Florida

Lori Stelzer
Florida Association of City Clerks

Raiza Tamayo
US Hispanic Chamber of Commerce

Percy Luney
FAMU Law School

Reggie McGill
City of Orlando

Brenda Snipes
Supv. of Elections, Broward County

Lori Stelzer
Florida Association of City Clerks

Isis Segarra
Tampa, Florida

Raiza Tamayo
U.S. Hispanic Chamber of Orlando

County

Dr. Alec Yasinsac
Florida State University

The HAVA Planning Committee (2006) convened two publicly noticed meetings to update the June 2004 version of the State Plan—Pensacola, Florida, on September 21, 2006, and Miami, Florida, on October 12, 2006. The Collins Center for Public Policy, Inc. a non-profit, non-partisan organization and the Florida Department of State's Division of Elections served as staff for the committee.

The HAVA Planning Committee (2009) convened for one meeting to discuss and develop changes to the 2006 HAVA State Plan. The meeting was held in Tallahassee, Florida, on March 23, 2009. The Florida Department of State's Division of Elections provided administrative support.

3. Compliance: Public Notice and Comments for State Plan

Yes, and no further actions are required.

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

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

Each HAVA Planning Committee has operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. Members of the public and press are welcomed at the meeting and public comments solicited.

All meetings are held in accessible facilities and are compliant with the Americans with Disabilities Act. Closed captioning service is available, upon advanced request, at all meetings. Agendas are printed in Braille as well as Spanish and Creole, upon advanced request. The HAVA Planning Committee receives a draft of the plan before voting to approve the preliminary draft. The Committee forwards the draft to the Division of Elections for public notice and open comment period. Staff for the Division of Elections is delegated authority to make necessary edits to ensure consistency and accuracy of text and format of the final draft.

After notice is given in the *Florida Administrative Weekly*, the preliminary version or revision of HAVA State Plan is posted on the Department of State's website. A link is made available on the Department's website for receiving public comments. The work of the HAVA Planning Committee is completed when a preliminary version of the HAVA State Plan is prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After the HAVA State Plan is submitted to the U.S. Election Assistance Commission, the Commission is responsible for publishing the HAVA State Plan in the <E T='04'>Federal Register</E> in accordance with Section 255(b).

Help America Vote Act of 2002 State Plan Chart

Help America Vote Requirement	2006 Status: HAVA State Plan	2006 Status: HAVA State Plan
Voting Systems--Section 301 Compliance January 1, 2006)		
Verify Ballot	Complies	Complies
Change or Correct Ballot	Complies	Complies
Prevent Overvotes	Complies	Complies
Absentee instructions	Complies	Complies
Absentee privacy and confidentiality	Complies	Complies
Paper record for audits	Complies	Complies
Systems for voters with disabilities	Complies	Complies
Future voting systems purchases comply with HAVA	Complies	Complies
Alternative language accessibility	Complies	Complies
Comply with FEC error rates	Complies	Complies
Define what constitutes a vote	Complies	Complies
Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)		
Laws require notification to cast provisional ballot	Complies	Complies
Provisional ballots permitted with written affirmation of voter eligibility	Complies	Complies
Provisional ballots given to election officials for determination	Complies	Complies
Provisional ballots counted if voter is determined to be eligible	Complies	Complies
Voters provided information to ascertain if provisional ballot counted	Complies	Complies
"Free access system" provided to ascertain if provisional ballot counted	Complies	Complies
Sample ballots are posted for election	Complies	Complies
Date of election and polling place hours are posted	Complies	Complies
Voting instructions and provisional voting instructions are posted on	Complies	Complies

2009 Update to Florida's HAVA State Plan: Element 13

Help America Vote Act of 2002 State Plan Chart		
Help America Vote Requirement	**2006 Status: HAVA State Plan**	**2006 Status: HAVA State Plan**
election day		
Voting instructions for mail-in registrants and first-time voters on election day	Complies	Complies
Voting rights information and provisional ballot information posted	Complies	Complies
Contact information posted for voters whose rights have been violated	Complies	Complies
Information posted on prohibition of fraud and misrepresentation	Complies	Complies
Provisional ballots segregated for those who vote after special extended poll hours	Complies	Complies
Voter Registration--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)		
Single, uniform, official centralized, interactive computer statewide, voter registration list	Complies	Complies
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	Complies	Complies
HAVA's ID requirements for voters who register by mail and not previously voted	Complies	Complies
HAVA's requirement for voter registration language in mail registration forms	Complies	Complies
Local Government Payments and Activities [Section 254(a)(2)]		
Describe criteria for funding	Complies	Updated
Describe methods to monitor performance	Complies	Updated
Voter Education [Section 254(a)(3)]		
Describe voter education programs to support Title III	Complies	Updated
Describe election official education and training to support Title III	Complies	Updated
Describe poll worker training to support Title III	Complies	Updated
Voting System Guidelines and Processes [Section 254(a)(4)]		
Describe Florida's voting system guidelines and processes consistent with Section 301	Complies	Complies
HAVA Election Fund [Section 254(a)(5)]		
Describe how Florida will establish a HAVA fund	Complies	Updated
Describe how Florida will manage the HAVA fund	Complies	Updated
Florida's HAVA Budget [Section 254(a)(6)]		
Describe costs of activities to meet Title III	Complies	Updated
Describe portion of requirements payment to carry out requirements activities	Complies	Updated
Describe portion of requirements payment to carry out other activities	Complies	Updated
Florida's Maintenance of Effort [Section 254(a)(7)]		
Describe how Florida will maintain election expenditures at the 1999-2000 FY	Complies	Updated
Florida's Performance Goals and Measures [Section 254(a)(8)]		
Describe how Florida will adopt performance goals measures to determine HAVA success	Complies	Updated
Administrative complaint process [Section 254(a)(9)]		

2009 Update to Florida's HAVA State Plan: Element 13

Help America Vote Act of 2002 State Plan Chart		
Help America Vote Requirement	**2006 Status: HAVA State Plan**	**2006 Status: HAVA State Plan**
Established a state-based administrative complaint process to remedy grievances	Complies	Complies
Effect of Title I Payments [Section 254(a)(10)]		
Describe how Title I payments will affect activities of HAVA plan	Complies	Updated
HAVA State Plan Management [Section 254(a)(11)]		
Describe how Florida will manage plan and make material changes to plan	Complies	Updated
HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]		
Describe how this year's plan changed from the previous fiscal year	Complies	Updated
HAVA State Plan Development and Planning Committee [Section 254(a)(13)]		
Describe the committee and procedures used to develop the HAVA plan	Complies	Updated

STATE OF OHIO 2009 AMENDMENTS TO THE STATE HAVA PLAN

Amending Ohio's State Plan
to Implement the Help America Vote Act of 2002,
As Revised January 12, 2005
And Recorded in the Federal Register, Vol. 70, No.66, April 7, 2005

Ohio Secretary of State

May 5, 2009

Gineen Bresso Beach, Chair
United States Election Assistance Commission
1225 New York Ave., NW – Suite 1100
Washington DC 20005

Dear Ms. Beach:

I am pleased to submit to you the State of Ohio 2009 Amendments to the State HAVA Plan. Ohio's State Plan was initially adopted in May 2003 and revised in January 2005. Although Ohio has not materially changed its plan since that time, it is appropriate that these Amendments be filed in order to reflect the following:

1. My status since January 8, 2007, as Ohio Secretary of State, and chief elections officer.
2. The current membership of Ohio's State Plan Committee.
3. Ohio's plans for using approximately $4.4 million in additional HAVA requirements payments authorized by Congress in the FY08 Appropriations Bill.

The 2009 Amendments have been developed in accordance with section 255 of HAVA, and the requirements for public notice and comments required by section 256 of HAVA.

It is my privilege to thank you, on behalf of all Ohio voters, for the accomplishments of the Elections Assistance Commission (EAC). I look forward to continued cooperation between Ohio and the EAC as we work together to fully implement Congressional intent in appropriating additional HAVA funds to further improve the administration of federal elections in Ohio.

Any public comments about the State of Ohio 2009 Amendments to the State HAVA Plan may be directed via e-mail at *info@sos.state.oh.us* or by mail to the office of the Ohio Secretary of State, Attn: General Counsel, 180 East Broad Street, 15th Floor, Columbus, OH 43215.

Sincerely,

Jennifer Brunner

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MEMBERS OF OHIO HAVA STATE PLAN COMMITTEE AND DEVELOPMENT OF 2009 AMENDMENTS TO THE STATE HAVA PLAN

In the spring of 2008, and in compliance with Section 255 and 256 of HAVA, Secretary of State Jennifer Brunner identified and appointed to the HAVA State Plan Committee individuals who agreed to serve as members. On April 7, 2008, Ohio Secretary of State Jennifer Brunner convened the first meeting of the reconstituted Ohio State HAVA Plan Committee. The committee's task was to review Ohio's existing State Plan, as revised in January 2005, and to approve a plan for expending the FY 2008 Requirements Payments allocated by Congress to Ohio.

The following Ohioans served as members of the Committee:

- Brian E. Shinn, Chair, Assistant General Counsel & Elections Counsel, Ohio Secretary of State
- Brett Harbage, ADA Coordinator, Ohio Secretary of State
- Leslye Huff, Attorney and Civil Rights Activist; Ohio Voting Rights Institute Advisory Council member
- Shannon Leininger, Past President, Ohio Association of Election Officials; Director, Ashland County (Ohio) Board of Elections; Ohio Voting Rights Institute Advisory Council
- Jeffrey A. Matthews, Deputy Director, Stark County (Ohio) Board of Elections
- Jane Platten, Director, Cuyahoga County (Ohio) Board of Elections (chief election official of most populous jurisdiction)
- Pierrette "Petee" Talley, Secretary-Treasurer, Ohio AFL-CIO; Ohio Voting Rights Institute Advisory Council
- Michael Stinziano, Director, Franklin County (Ohio) Board of Elections (chief election official of second most populous jurisdiction) (October 3,2008 to date)

The Committee was supported by the following members of Secretary Brunner's staff:

- Eleanor Speelman, General Counsel, Ohio Secretary of State
- Ann L. Hosutt, Administrative Aide, Legal Coordinator, Ohio Secretary of State

The first committee meeting was called to order on April 7, 2008. At the initial meeting, the existing state plan was reviewed and the application procedure for FY 2008 Requirements Payments discussed. Committee members were provided draft language to be considered for

inclusion in the State Plan Amendments. Thereafter, committee members were provided an opportunity to provide additional input and comments.

On February 9, 2009, committee members were provided a draft of the State of Ohio 2009 Amendments to the State HAVA Plan. On March 9, 2009, the committee members convened and a vote was taken on the draft. The draft was approved by a vote of 6 to 0, with two members absent.

The Secretary thereafter issued notice through a public press release and posting on the Secretary's Web site, *www.sos.state.oh.us.* The notice advised that the Proposed 2009 Amendments to the State of Ohio HAVA Plan were available for review and submission of public comment either personally at the Secretary's office at 180 East Broad Street, 1st Floor, Columbus Ohio, 43215 by mail to the same address, and on the Secretary's Web site at *www.sos.state.oh.us.* The period for public comment was from March 17, 2009 to April 17, 2009, a period of over 30 days.

On April 29, 2009, the Ohio HAVA State Plan Committee voted to approve the 2009 Amendments to the State of Ohio HAVA Plan. The Plan is now submitted to the Elections Assistance Commission for its review and for publication in the Federal Register.

USE OF FY 2008 REQUIREMENTS PAYMENTS TO AID IN THE ADMINISTRATION OF FEDERAL ELECTIONS

Ohio is pleased to report that it has met the requirements established in Title III of HAVA, 42 U.S.C Section 15301 et seq., as summarized below.

HAVA Section 301 requires that Ohio use "voting systems" (both hardware and software) that meet certain criteria, including:

- Voter verification before the ballot is cast.
- Notice of overvotes, and opportunity to correct.
- Audit capacity of voting systems.
- Accessibility for individuals with disabilities.
- Voting system must meet error rates within EAC standards.

All 88 Ohio counties have replaced older punch card and other non-HAVA compliant voting machines with voting systems that meet the criteria listed above. Ohio has therefore met the requirement established in Sec. 301 of HAVA Title III.

HAVA Section 302 requires that Ohio provide for provisional voting and posting of voting information at polling places. This requirement has been implemented statewide in Ohio. Ohio therefore has met the requirement established in Sec. 302 of HAVA Title III.

HAVA Section 303 requires that Ohio establish a computerized statewide voter registration database that meets certain criteria, including:

- Ongoing maintenance of the database, e.g., removal of names, while also providing safeguards to ensure that eligible voters are not removed in error.
- Ensuring "technological security" to prevent unauthorized access to the computerized database
- Ensuring that voter registrations include certain identifying information (driver's license number, last 4 SSN digits or other identifying number).
- Matching of voter database to motor vehicle database.
- Providing for voter registration by mail with certain documentation.

Ohio has established a computerized statewide voter registration database as described above. Ohio therefore has met the minimum requirements established in Sec. 303 of HAVA Title III.

On April 24, 2007, Ohio's chief election officer, Secretary of State Jennifer Brunner, filed the certification established in Section 251(b)(2) (B) of HAVA.

Ohio therefore is eligible to use the FY2008 Requirements Payment to carry out the purposes enumerated in Section 101 of HAVA and is not legally constrained to use those funds only for purposes required by Title III of HAVA. Thus, Ohio may use the FY 2008 Requirements payment for the following Section 101 purposes:

A. Further improving the systems implemented as a requirement of Title III of HAVA (including the statewide voter registration database);

B. General activities that will improve the administration of elections for federal office;

C. Educating voters concerning voting procedures, voting rights, and voting technology;

D. Training election officials, poll workers, and election volunteers;

E. Developing and amending the State Plan;

F. Improving, acquiring, leasing, modifying, or replacing voting systems, and technology and methods for casting and counting votes;

G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities; and

H. Further improving the toll-free telephone hotline that voters may use to obtain general information concerning elections and to report possible voting fraud and voting rights violations.

Ohio intends to use the FY 2008 Requirements Payments consistent with these Section 101 purposes as further described in this Plan Document. On July 1, 2008, the first day of Ohio's FY 2009, Ohio had a remaining balance of approximately $4.2 million of funds attributable to prior HAVA payments. Combined with the anticipated $4.4 million FY 2008 Requirements allocated to Ohio, Ohio anticipates a balance of approximately $8.6 million (plus interest earnings of an estimated $ 0.7 million) for a total of $9.3 million of HAVA funds to use in carrying out HAVA activities going forward.

Ohio anticipates a need for some flexibility in determining specific uses. It does, however, intend to use HAVA funds as described in the remainder of this Plan Document, as well as for new initiatives as needs arise that will, in combination with state funds, serve to improve the administration of federal elections in Ohio.

Further Improvement of Implemented Title III Requirements

The Secretary has established several HAVA-funded positions within her office to assure that the requirements of Title III, having now been implemented, continue to be fully maintained and improved, as follows:

ADA Compliance

The elimination of barriers to voting for persons with disabilities continues to be a priority in Ohio. HAVA requirements payments will fund two positions in the Secretary of State's office to administer ADA compliance throughout the Ohio elections system. The ADA Coordinator and ADA Specialist work to ensure access to voting for persons with disabilities, to educate persons with disabilities about voting, provide training for election officials and poll workers on how best to include individuals with disabilities in the election process, and to assess current and potential polling locations to support board implementation and compliance with state and federal accessibility laws. The individuals in these positions also administer the HAVA Section 261/Health and Human Services subgrant program for local election officials in Ohio.

Those positions, and the individuals who hold those positions as of May 2009, are:

ADA Coordinator – Brett Harbage – Responsible for ensuring that people with disabilities have access to the voting process. This includes educating voters with disabilities about their rights, educating election officials and poll workers on how best to include people with disabilities, assessing whether polling locations are accessible, and administering the HAVA Section 261/Health and Human Services grant program.

ADA Specialist – Joy West – Responsible for ensuring that people with disabilities have access to the voting process. This includes assisting the coordinator in outreach, voter education, poll worker training, and administering HAVA Section 261/Health and Human Services grant funds.

Ohio plans to use HAVA funds to continue funding these positions in FY2009 and thereafter. The Secretary of State will continue to train and educate election officials and poll workers to ensure full participation of individuals with disabilities in the election process.

In addition, to the extent that Ohio elects to use any FY 2008 Requirements Payments for the purchase of new voting systems, or components thereof, the voting system will meet the voting system standards for disability access as set forth in Section 301(a)(3).

Information Technology

Ohio utilizes information technology extensively in its ongoing efforts to comply with HAVA. HAVA requirements payments will supplement state funding of ongoing hardware and software maintenance licenses, a T-1 line connecting each of Ohio's 88 boards of elections with the Ohio Secretary of State's office, and other information technology hardware and software

improvements. Additionally, HAVA requirements payments will fund an Information Technology Developer position in the Secretary of State's office to develop, maintain, and modify HAVA related applications software and data processing projects. This position and the individual who holds this position as of May 2009, is:

Information Technology Developer – Srilalitha Sikharam – Responsible for developing, maintaining, and modifying HAVA related application software and data processing projects.

Statewide Voter Registration Database

Ohio continues to maintain and improve its statewide voter registration database, including increasing the compatibility of county boards of elections databases with the statewide database. HAVA requirements payments will continue to fund a Statewide Voter Registration Database Coordinator within the Secretary of State's office. The individual in this position researches and monitors all applicable HAVA requirements for the statewide voter registration database and works with information technology staff in the Secretary of State's office to maintain and improve the database. This position and the individual who holds this position as of May 2009, is:

Statewide Voter Database Coordinator – Position Vacant – Held by Gus Maragos through December 5, 2008 – Responsible for researching and monitoring all applicable HAVA requirements, policies, and laws in an effort to oversee the voter registration database, to advise the county boards of elections of their responsibilities in ensuring accuracy of the database and to make other recommendations where appropriate.

General Activities That Will Improve the Administration of Elections for Federal Office

Availability of Supplemental and Back-up Voting Options for Ohio Voters

The implementation of electronic voting systems in Ohio has generated substantial media coverage and public interest. Experience has shown that, in emergency situations where equipment problems have materialized on Election Day and in elections with very high voter turnout, back-up voting options are critical to ensure that no Ohio voter is turned away at a polling location or must wait in line for an unreasonable amount of time to exercise the right to vote. Counties employing direct electronic recording system (DREs) as their primary voting system benefit from the availability of back-up paper ballots at all polling places. HAVA requirements payments were used to offset the cost to counties of providing back-up paper ballots for federal elections during 2008.

DISTRIBUTION AND MONITORING OF REQUIREMENTS PAYMENT TO OHIO COUNTY BOARDS OF ELECTIONS

Ohio is pleased to describe its plans in regard to the possible distribution and monitoring of requirements payment to units of local government or other entities in the State for carrying out the activities described in its HAVA State Plan.

Criteria for determining eligibility of possible recipients. Ohio's State Plan authorizes the distribution of HAVA funds to one or more of Ohio's 88 county boards of elections, but to no other units of local government or any other state entity. Ohio's county boards of elections are responsible for conducting Ohio elections, including elections for federal office, and are therefore eligible recipients of HAVA funds. Ohio's boards of elections further play a crucial role in the maintenance of the computerized statewide voter registration database established during the administration of Secretary of State Brunner's predecessor.

Monitoring of performance of grant recipients. Ohio distributes to county boards of elections HAVA Section 261 funds, which are administered through the U.S. Department of Health and Human Services rather than the Elections Assistance Commission. These subgrants are used by county boards of elections to accomplish accessibility for individuals with disabilities at the precinct level and provide pollworker training concerning ADA accessibility.

The Secretary of State's office has established a system by which counties seeking HAVA Section 261 subgrants must first submit an application describing the proposed use of the HAVA/HHS funds. Prior to approval of a subgrant, Secretary of State staff review the application to assure that the proposed use is compliant with HAVA. Should Ohio distribute FY2008 Requirements Payments directly to county boards of elections, similar application procedures and review will be implemented and administered by the office of the Secretary of State to ensure that grant recipients use HAVA funds consistent with performance goals adopted in the State Plan.

In addition, the Secretary of State has established systems to assure that HAVA/HHS funds have been used in the manner stated on applications submitted by counties by requiring counties to choose between two methods of receiving those funds. Counties may chose a reimbursement method of payment, in which receipts demonstrate that expenses have been incurred consistent with the application. Alternatively, counties may choose a cash advance method in which the county must be prepared to spend the funds within 30 days of receipt. Use of the cash advance method requires the county to have fully planned an approved expenditure to minimize the amount of time HAVA/HHS funds remain at the county level prior to

expenditure. At the end of the 30-day advance, Secretary of State finance staff follow up with each county board of elections in order to obtain documentation e.g., receipts, that demonstrate that HAVA funds were used for HAVA purposes.

Ohio further has reimbursed counties for expenses incurred to supply back-up paper ballots for use in federal elections, a HAVA-compliant use, upon production of receipts or other documentation demonstrating those expenditures. In addition, Ohio has used HAVA funds to reimburse certain counties for expenses associated with delivery of voting machines, including equipment and materials, to polling locations in November 2008, in order to bring all Ohio counties in line with secure transportation guidelines.

Moreover, the Secretary of State has employed 16 regional liaisons, or "field representatives," two of whom concentrate on information technology at the county level. These employees, whose positions are funded currently through state funds rather than HAVA funds, are responsible for advising, assisting and monitoring county boards of elections in the performance of their duties. Secretary of State field representatives travel throughout their assigned counties regularly and will confirm that HAVA funds distributed to county boards of elections are used consistently with performance goals adopted in the State Plan.

USE OF REQUIREMENTS PAYMENTS TO PROVIDE EDUCATION TO VOTERS AND ELECTION OFFICIALS AND TO PROVIDE POLLWORKER TRAINING

Ohio is pleased to describe its plans in regard to voter education, election official and poll worker training.

Voter Education

In 2009, voter education continues to be a critical component of ensuring that all citizens who are eligible to vote are able to participate in the electoral process and that their votes are counted accurately. Additionally, election officials are experiencing growing demands from increased voter turnout at the polls, expanded absentee voting, complex election laws and procedures, and public and media scrutiny. These demands require elections officials to remain current in their knowledge and in their ability to perform their duties competently. Moreover, adequate training of poll workers in all counties in Ohio is essential to provide uniform standards for the efficient administration of elections at polling locations where most Ohio citizens will be exercising their right to vote. Ohio will continue to use HAVA requirements payments to supplement state general revenue funding for voter education initiatives and for training election officials and poll workers.

Secretary of State Jennifer Brunner created the Voting Rights Institute (VRI) as one means of implementing voter education programs in Ohio. VRI serves as a clearing house for voter questions and concerns, and works with community organizations to provide voter education. HAVA requirements payments will fund all or part of five positions in VRI, including administrative staff, outreach/education staff and a voter registration coordinator. HAVA requirements payments will also fund VRI programs and constituent inquiry tracking programs. Additionally, the Secretary of State will continue to provide public voter education materials through publications created by the Communications Division, Elections Division, and VRI and through the office's Web site, maintained by the Communications Division, to Ohio's boards of elections.

VRI positions partially or fully funded by HAVA funds include the following:

- **Director, Voting Rights Institute** – Kellye A. Pinkleton – Responsible for overseeing all aspects of VRI program delivery, staff direction and advising, and work to ensure Ohio's elections are free, fair, open and honest.
- **Program and Outreach Coordinator, Voting Rights Institute** – Christopher M. Hughes – Responsible for all VRI program development and outreach efforts as they pertain to voter education, program delivery and working to ensure free, fair, open and honest elections.
- **Project Coordinator, Voting Rights Institute** – Dean M. Hindenlang – Responsible for coordination of Secretary of State efforts to support NVRA agency activities, coordination and oversight for all VRI projects including Citizen Response Center activities, grants administration and research, and development & coordination of all VRI reporting tools.
- **Executive Assistant, Voting Rights Institute** – Claudia Galbreath – Responsible for assisting fellow staff members in all functions of VRI program delivery, administrative oversight and director functions, as assigned.
- **Education and Outreach Specialist** - Northern Region, Voting Rights Institute – Will Tarter – Responsible for implementation of division and agency voter education programs with focus on the northern region of the state. Assist Program and Outreach Coordinator in voter education projects and activities.

Election Official Training

Ongoing training of Ohio election officials, including the board members and staff at Ohio's 88 boards of elections, will continue to be funded in part by HAVA requirements payments. Dissemination of information to elections officials using current technology is an effective and efficient means of educating election officials. Therefore, the Secretary of State will utilize HAVA requirements payments to continue to provide each of the 88 Ohio county boards of elections with a T-1 line that allows rapid and secure communications between the Secretary of State's office and the boards of elections, including transmission of voter registration data for purposes of the HAVA-mandated statewide voter registration database, e-mails, directives, advisories and

memoranda regarding the interpretation of election laws and other election administration matters.

Poll Worker Training

HAVA requirements payments have also been used to significantly enhance the Secretary of State's poll worker training initiatives and to augment the boards of elections' poll worker training programs through the employment of a staff member and the funding of training materials. The position of Elections Training and Curriculum Development Specialist was created within the Elections Division to develop and administer poll worker training programs, including an online poll worker training program that is available on the internet to all county boards of elections and to the public. The Elections Training and Curriculum Development Specialist has also developed a poll worker training manual for boards of elections and quick reference Election Day materials for poll workers. These resources allow for the establishment of uniform standards for poll worker training for all county boards of elections in Ohio and permit counties with limited resources the opportunity to provide their poll workers with professionally developed training that is specific to Ohio and its elections systems and administrative procedures. This position is fully funded using HAVA funds.

Elections Training and Curriculum Development Specialist – Laura Pietenpol – Responsible for researching and developing elections-related curriculum and training materials for several different audiences (boards of elections, poll workers and volunteers), in a variety of formats (manuals, posters, online, videos, etc.).

PROPOSED BUDGET FOR HAVA APPROPRIATIONS

Ohio is pleased to present the Ohio HAVA Grant Fund Budget for state FY 2009 – 2011. Because the requirements of Title III have been met in Ohio, all expenditures described in the budget will be used to carry out purposes described in Titles I and II of HAVA.

On July 1, 2008, the first day of Ohio's FY 2009, Ohio had a remaining balance of approximately $4.2 million of funds attributable to prior HAVA payments. Combined with the anticipated $4.4 million FY 2008 Requirements Payments, plus an estimated $0.7 million interest earnings, Ohio will have a total of approximately $9.3 million of HAVA funds to use in carrying out HAVA activities going forward.

The expected uses of these funds appear in the budget outlined on page 13.

OHIO - HAVA GRANT BUDGET PLAN

	3 Year Plan State Fiscal Years 2009-2011
Spending Plan:	
Payroll (10 positions)	$ 2,200,000
Hardware/Software Maintenance Licenses	$ 400,000
County BOE T-1 Lines	$ 1,300,000
Other Maintenance & Equipment (Travel, Provisional Ballot Hotline, etc.)	$ 300,000
Ongoing Operating Costs:	$ 4,200,000
IT Hardware/Software Expansion	$ 1,000,000
Election Night Reporting System	$ 100,000
Voting Machine Certification Standards & Guidelines	$ 100,000
Pollworker Training Initiatives (On-Line, Manuals, Flip Charts, etc.)	$ 900,000
County Reimbursement - Pollworker Training	$ 200,000
County Reimbursement - Paper Ballot Printing	$ 700,000
County Reimbursement - Voting Machine Delivery/Transportation	$ 100,000
VRI - Voter Education Initiatives	$ 200,000
Voter Education PSAs	$ 100,000
Other / Balance Available for HAVA Compliant Uses Consistent with Ohio State Plan, as revised 01/12/05	$ 1,700,000
Total Planned Expenses:	**$ 9,300,000**

OHIO'S SATISFACTION OF MAINTENANCE OF EFFORT REQUIREMENT

Ohio will meet its MOE requirement to maintain its funding effort at the same level that it expended money for HAVA funded activities in the fiscal year preceding November 2000 through non-HAVA historical elections administration funding mechanisms (e.g., amounts distributed to the Secretary of State from the Ohio General Revenue Fund and revenues generated through the Business Services Division of the office of the Secretary of State). The primary source of operating funds for the Ohio Secretary of State is from revenues generated through the Business Services Division of the office. In addition, just under $3 million annually is provided from the state's General Revenue Fund for office operations. These sources continue to provide ongoing support for the Elections Division, Elections Field Staff and the Campaign Finance section of the office. These traditional and ongoing funding sources clearly demonstrate that Ohio will meet its MOE requirements.

Ohio Maintenance of Effort

State Fiscal Year	Total Expenses
2000-base year	$ 1,336,489
2001	$ 1,424,521
2002	$ 1,447,974
2003	$ 2,030,605
2004	$ 2,693,115
2005	$ 2,357,656
2006	$ 2,076,446
2007	$ 2,590,099
2008	$ 2,822,230

PERFORMANCE GOALS AND MEASURES

The vast majority (approximately 85%) of HAVA funds received by Ohio to date have been spent on providing new voting equipment to Ohio's 88 counties. Implementation of new voting equipment was completed throughout Ohio prior to 2007.

Going forward, the Secretary of State has tasked her staff and the boards of elections together to perform the mission of assuring free, fair, honest and open elections. Because Ohio has met requirements established by Title III HAVA, as described on pages 1 - 2 of this Plan, the 2009 Amendments reflect Ohio's intent to use HAVA funds to continue to refine and improve the administration of elections using HAVA-compliant voting systems as described more fully throughout this document.

INTERPLAY OF HAVA TITLE I FUNDS WITH FY 2008 REQUIREMENTS PAYMENTS

Ohio has no HAVA Title I, Section 101 funds remaining. Because Title I funds are no longer available, no new activities will be funded through Title I expenditures.

ONGOING HAVA STATE PLAN MANAGEMENT

The plan will be managed by the chief elections officer of the State of Ohio, Ohio Secretary of State Jennifer Brunner, with the assistance of her appointees and staff, including the following:

- **Assistant Secretary of State** – Antoinette Wilson
- **Deputy Assistant Secretary of State and Director of Elections** – David Farrell
- **Deputy Assistant Secretary of State and Director of Legislative Affairs** – Mike Stinziano
- **Chief of Staff** – G. Thomas Worley
- **Chief Financial Officer** – Veronica Sherman
- **Chief Information Officer** – Bob Mangan
- **General Counsel** – Eleanor Speelman

The Secretary of State and her staff will follow the laws and policies of the State of Ohio, as well as best management practices in conformance with generally accepted principles and the direction of the Secretary of State.

In Ohio, significant aspects of election administration occur at the county level through the work of county boards of elections and their staffs. Because of the interconnectedness between the office of the Secretary of State and the county boards of elections, HAVA State Plan Management also requires strong management skills at the board level. Two educational conferences occur in Ohio each year at which board members and staff meet with representative Secretary of State employees and other presenters. These conferences provide local elections officers opportunities for dialogue, training and education, both with each other and with the Secretary.

Ohio Revised Code 3501.05 charges the Secretary of State with identified duties, including the following:

- Appoint all members of boards of elections.
- Issue instructions by directives and advisories to members of the boards as to the proper methods of conducting elections.
- Prepare rules and instructions for the conduct of elections.

- Compel the observance by election officers in the several counties of the requirements of the elections laws.
- Investigate the administration of election laws, frauds, and irregularities in elections in any county; and referral of election law violations for prosecution.
- Adopt administrative rules for the removal by boards of elections of ineligible voters from the statewide voter registration database.

These and other tools provided the Secretary of State by the Ohio Revised Code foster appropriate management of HAVA in Ohio.

In addition, the Ohio Revised Code requires the Secretary of State to issue reports outlining data collected concerning elections. This data, collected over future elections, will provide objective documentation of Ohio's progress in implementing the goals.

COMPARISON OF OHIO STATE PLAN INCLUDING 2009 AMENDMENTS TO OHIO STATE PLAN AS REVISED JANUARY, 2005

The most significant difference between the previous Ohio State Plan (as amended January 12, 2005) and the revised, amended Ohio State Plan is the fact that the original requirements of Title III have been implemented, as outlined below:

- Ohio has spent approximately $115 million to replace non-HAVA-compliant punch card and other voting systems in Ohio. Currently 53 Ohio counties employ direct electronic recording voting systems (DRE) as their primary voting system, and 35 counties use optical scan systems to tabulate votes cast on paper ballots as their primary voting system. In addition, every voting location in Ohio is equipped on Election Day with an electronic voting system that accommodates the needs of people with disabilities. Ohio intends to continue funding full-time positions within the office of the Ohio Secretary of State as described above to continue, in cooperation with other non-HAVA-funded Secretary of State Elections Division staff, to maintain and improve Ohio's computerized statewide voter registration database.
- Section 302 requirements concerning Provisional Voting and Voting Information have been implemented through legislation enacted by the Ohio General Assembly and directives issued by the Secretary of State, which carry the weight of law.
- Section 303 requirements concerning implementation and maintenance of a statewide voter registration list have been implemented. Although fully operational, additional HAVA funding is needed to implement improvements to the system. In addition, HAVA funding is needed to continue T-1 lines allowing electronic transmission of voter registration data from the 88 county boards of elections to the office of the Secretary, at a cost of approximately $432,200 annually. Software licenses and other expenses total $128,000 annually.

Accordingly, the 2009 Amendments reflect Ohio's intent to use HAVA funds to continue to refine and improve the administration of elections using HAVA-compliant voting systems.

In addition, the 2009 Amendments to the Ohio HAVA State Plan reflect Ohio's intent to use HAVA funds for the procurement of back-up paper ballots by Ohio counties that use DRE voting systems. In Ohio, back-up paper ballots may be required to be available for use by Ohio voters in the event of DRE system malfunctions, power outages or other emergencies and to alleviate long lines, should they occur, at polling places.

OHIO'S COMPLIANCE WITH 30-DAY PUBLIC NOTICE AND COMMENT REQUIREMENTS (HAVA SECTION 256)

The State has followed the 30-day public notice and comment requirements of Section 256 prior to final adoption of the 2009 Amendments to the Ohio State HAVA Plan.

OHIO'S ADMINISTRATIVE COMPLAINT PROCEDURE (HAVA Section 402)

The State has filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under Section 402 (or has included such a plan in the State plan), and has such procedures in place.

The complaint mechanism required under Section 402 is established in the existing Ohio State Plan and is available to the public through the official Web site of the Ohio Secretary of State.

OHIO'S COMPLIANCE WITH FEDERAL LAWS

The State is in compliance with each of the following federal laws as they apply to the Act:

- The Voting Rights Act of 1965;
- The Voting Accessibility for the Elderly and Handicapped Act;
- The Uniformed and Overseas Citizens Absentee Voting Act;
- The National Voter Registration Act of 1993;
- The Americans with Disabilities Act of 1990; and
- The Rehabilitation Act of 1973.

OHIO'S COMPLIANCE WITH TITLE II AND TITLE III PROVISIONS

Ohio's Amended State Plan reflects proposed HAVA expenditures consistent with the conclusion that, to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III, the State's proposed uses of the requirements payment are not inconsistent with the requirements of Title III; and the use of the funds under this paragraph is consistent with the requirements of section 251(b). Ohio has already filed the certification established in Section 251(b)(2)(B) of HAVA (see Ohio's statement in response to Section 1(a) of this application). Ohio is therefore no longer limited to using FY 2008 requirements payments for only Title III purposes. Nor are any of Ohio's proposed uses contained in this Amended Stated Plan inconsistent with the requirements of Title III.

OHIO'S SATISFACTION OF STATE MATCH REQUIREMENT

The Election Assistance Commission has advised that state funds used exclusively for HAVA related purposes may be designated so as to satisfy the matching requirement of 42 USC §15403(b)(5) [HAVA 253 section]. A state may utilize previously allocated funds to satisfy the Requirements Payment matching obligation, so long as these funds were within the state's control and the funds were distinctly appropriated for HAVA specified activities.

Ohio's 5 percent state match requirement is $234,268. Ohio supports elections with state-generated funds in an amount far exceeding $234,268, therefore satisfying the state match requirement.

In addition, in state FY 2009, the Secretary of State received $3 million in state General Revenue Fund for distribution to county boards of elections for reimbursement of

postage and related expenses of mailing notices of elections and absentee ballot applications to voters preceding the November 2008 presidential election. This amount is substantially over and above the required state match.

[FR Doc. E9–12157 Filed 5–27–09; 8:45 am]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

May 20, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER08–1574–003.
Applicants: ORNI 18, LLC.
Description: Notice of Non-Material Change in Status of ORNI 18, LLC.
Filed Date: 05/18/2009.
Accession Number: 20090518–5061.
Comment Date: 5 p.m. Eastern Time on Monday, June 8, 2009.

Docket Numbers: ER09–1141–000.
Applicants: J.P. Morgan Commodities Canada Corporation.
Description: JP Morgan Commodities Canada Corp submits Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority and Request for Expedited Consideration, FERC Electric Tariff, Original Volume 1, effective 6/15/09.
Filed Date: 05/15/2009.
Accession Number: 20090518–0305.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1144–000.
Applicants: ISO New England Inc., New England Power Pool.
Description: ISO New England Inc et al submits further revisions to the Forward Capacity Market rules.
Filed Date: 05/15/2009.
Accession Number: 20090518–0313.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1149–000.
Applicants: Ameren Services Company.
Description: Union Electric Company submits Original Service Agreement 2027 to FERC Electric Tariff, Third Revised Volume 1.
Filed Date: 05/15/2009.
Accession Number: 20090518–0311.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1150–000.
Applicants: Entergy Services, Inc.
Description: Entergy Arkansas, Inc et al submits an unexecuted Network Integration Transmission Service Agreement and Network Operating Agreement and the Missouri Joint Municipal Electric Utility Commission etc.
Filed Date: 05/15/2009.
Accession Number: 20090518–0309.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1151–000.
Applicants: Trans-Allegheny Interstate Line Company.
Description: Trans-Allegheny Interstate Line Company submits Second Revised Sheet 314l.03 et al to its FERC Electric Tariff, Sixth Revised Volume 1.
Filed Date: 05/15/2009.
Accession Number: 20090518–0312.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1152–000.
Applicants: Southwest Power Pool Inc.
Description: Southwest Power Pool, Inc submits an unexecuted Large Generator Interconnection Agreement with Sunflower Electric Power Corp *et al.*
Filed Date: 05/15/2009.
Accession Number: 20090518–0304.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1153–000.
Applicants: ISO New England Inc.
Description: ISO New England, Inc submits its Capital Projects Report and schedule of the unamortized costs of the ISO's funded capital expenditures for quarter ending 3/31/09, to be effective 4/1/09.
Filed Date: 05/15/2009.
Accession Number: 20090518–0308.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1154–000.
Applicants: UNS Electric, Inc.
Description: UNS Electric, Inc submits Second Revised Sheet 90A et al. to FERC Electric Tariff, First Revised Volume 1 to Attachment C of its Open Access Transmission Tariff.
Filed Date: 05/15/2009.
Accession Number: 20090518–0307.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1155–000.
Applicants: American Electric Power Service Corporation.
Description: American Electric Power Service Corp submits a fully executed Letter Agreement dated 41/6/09 with FPL Elk City Wind, LLC.
Filed Date: 05/15/2009.
Accession Number: 20090518–0306.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1161–000.
Applicants: Ashtabula Wind, LLC.
Description: Ashtabula Wind, LLC submits the Amended and Restated Common Facilities Agreement by and between Otter Tail Corporation as Licensee and Ashtabula Wind as owner, designated Rate Schedule FERC 1.
Filed Date: 05/15/2009.
Accession Number: 20090518–0310.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: ER09–1162–000.
Applicants: Commonwealth Edison Company.
Description: Commonwealth Edison's Section 205 filing.
Filed Date: 05/15/2009.
Accession Number: 20090518–0315.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH09–18–000.
Applicants: Buckeye Power, Inc., Buckeye Power Generating, LLC.
Description: FERC–65A Exemption Notification of Buckeye Power, Inc.
Filed Date: 05/15/2009.
Accession Number: 20090515–5142.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.