Federal Register

Friday,
July 17, 2009

Part II

Election Assistance Commission

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

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 Massachusetts, New York, South Carolina, and Washington.

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 the first revision to the State plans for Massachusetts, New York, and Washington and the forth revision to South Carolina's plan.

The revised State plans from Massachusetts, South Carolina, and Washington provide information on program accomplishments and address changes in the respective budgets to account for the use of Fiscal Year 2008 and 2009 requirements payments. The revised State plan from New York presents an updated framework for becoming compliant with Title III of HAVA and also updates the budget to account for full funding of 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 July 17, 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 officials listed below.

Chief State Election Officials

The Honorable William Francis Galvin, Secretary of the Commonwealth of Massachusetts, One Ashburton Place, Room 1611, Boston, Massachusetts, Phone: (617) 727–7030, Fax: (617) 742–4528.

Messers. Stanley L. Zalen and Todd D. Valentine, Co-Executive Directors, New York State Board of Elections, 40 Steuben Street, Albany, New York 12207–2108, Phone: (518) 474–6336, Fax: (518) 474–1008.

Ms. Marci Andino, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, South Carolina 29250, Phone: (803) 734–9060, Fax: (803) 734–9366.

Honorable Sam Reed, Secretary of State, Legislative Building, P.O. Box 40220, Olympia, Washington 98504–0220, Phone: (360) 902–4151, Fax: (360) 664–4619.

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

Dated: July 7, 2009.

Thomas R. Wilkey,

Executive Director, Election Assistance Commission.

BILLING CODE 6820–KF–P

HELP AMERICA VOTE ACT

AMENDED STATE IMPLEMENTATION PLAN

NEW YORK STATE BOARD OF ELECTIONS

Version 5-20, 2009

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New York State HAVA State Plan Introduction

For the first time in the history of the United States, the federal government has committed to sweeping election reforms which enhance the voting process in this country. The Help America Vote Act of 2002 (HAVA), requires all states to meet minimum standards for voting systems and for the administration of the electoral process, from voter registration to the casting of the ballot.

HAVA is the result of 18 months of negotiations between congressional representatives and members of the elections community, advocates for persons with disabilities, and members of ethnic and language minority groups. The problems surrounding the 2000 Presidential election were the catalyst for this legislation. In order to guarantee the intended results, HAVA leaves very little discretion to the states in enacting the changes mandated by the legislation. For example, while states may decide which voting system(s) it wishes to use, the system selected must meet the stringent minimum standards set out in the federal legislation.

The implementation of HAVA in New York State required several changes which would improve the conduct of elections and our voter registration procedures. Among the major changes required by HAVA are:

- replacement of 19,843 lever machines used in 15, 571 election districts in the November 2000 election with voting system which increase the accessibility for persons with disabilities; provides alternate language accessibility as required by the Voting Rights Act of 1965; and gives all voters an opportunity to assure the accuracy of their vote before it is cast;
- establishment of a single, interactive computerized statewide voter registration list, maintained by the state, which will enable the elimination of duplicate registrations;
- verification of voter identification information, enhancing New York's ability to maintain complete and correct voter registration lists;
- creation of a state-based administrative procedure for hearing and resolving citizen complaints involving violations of HAVA provisions, and
- use of provisional ballots.

HAVA provides significant federal funding for the many mandates placed upon the states, including replacement of lever machines and punch card voting devices, the training of election officials and workers, the education of the general public, and the creation of a statewide voter registration system. The statute requires each State intending to use these funds to apply for and certify that the funds will be used for the purposes outlined in the statute. Additionally, the law requires the submission of a plan which outlines how the State will use the funds to meet the requirements of the law, and how it will monitor and disperse those funds. The procedures for developing the State Plan, as well as the contents of the plan, are set out in detail in the statute.

Because federal money was appropriated in FY2003, New York submitted its plan before the end of that fiscal year to ensure our fair share of federal money. New York met the requirements of HAVA through the development of the initial State Plan with the input of the HAVA Task Force. The Task Force participated in five public meetings, where an open discussion between

members and the public ensued Issues were discussed and alternative methods for resolving those issues were explored. Ultimately the State's Chief Election Official prepared and submitted the Plan which articulated the priorities for the State in implementing HAVA.

This Amended State Plan includes the participation of a newly constituted Task Force. It provides a framework within which the State of New York will continue to work to meet the statutory requirements of HAVA. That framework includes goals and a time frame for meeting them, as well as standards for determining the success of our progress. While this plan provides the framework to allow New York access to its fair share of federal money, it is not intended to provide definitive answers to all of the questions which need to be addressed for the implementation of HAVA. The Amended Plan sought to update the original Plan, recognizing that ongoing discussions and decisions in New York are needed to fully implement this important piece of legislation. The Chief Election Official is committed to engaging in these discussions with all interested parties, as has been done throughout this process.

Outline of the State Plan

Section 254 of the Help America Vote Act of 2002 outlines the required elements for the State Plan. New York's State Plan follows the 13 subsections found in Section 254 and uses them as a series of questions which the State Plan then addresses in detail.

The State Plan contains a description of each of the following:

Section (1): How the State will use the requirements payment to meet the requirements of title III; (Voting Systems Standards (§301); Provisional Voting and Information Requirements (§302); Computerized Statewide List and Voters who Register by Mail (§303), and to carry out other activities to improve the administration of elections.

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

– The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

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

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

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

Section (5): How the State will establish a fund for the purposes of administering the State's activities under this part, including information on fund management.

Section (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:

– The costs of the activities required to be carried out to meet the requirements of Title III;

– The portion of the requirements payment which will be used to carry out activities to meet such requirements; and

– The portion of the requirements payment which will be used to carry out other activities.

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

Section (8): How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including:

– Timetables for meeting each of the elements of the plan;

– Descriptions of the criteria the State will use to measure performance and the process used to develop such criteria; and

– A description of which official is to be held responsible for ensuring that each performance goal is met.

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

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

Section (11): How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change:

– Is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State Plan;

– Is subject to public notice and comment in accordance with Section 256 in the same manner as the State Plan; and

– Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

Section (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.

Section (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.

Section 1: How the State Will Use the Requirements Payment

OBJECTIVE:

Describe how the State will use the requirements payment to meet the requirements of Title III (Voting Systems Standards (§301); Provisional Voting and Information Requirements (§302); Computerized Statewide List and Voters who Register by Mail (§303)), and to carry out other activities to improve the administration of elections.

GOAL:

The Help America Vote Act of 2002 (HAVA), Public Law 107-252, establishes minimum election administration standards for states. It specifically requires the State of New York to:

- Replace all lever machines and punch card voting devices used by counties for elections;
- Certify new and existing voting systems according to national standards;
- Improve voting equipment accessibility, to include physical and language accessibility;
- Enhance existing provisional voting system requirements;
- Establish a statewide complaint system;
- Provide training for election officials and poll workers;
- Increase voter education for new voting systems; and,
- Create a new uniform statewide voter registration list.

PRESENT STATUS:

The State of New York continues to face significant challenges in upgrading its voting systems, but despite the difficulties encountered with the certification process, New York continues to pursue voting system certifications that are commensurate with the degree of testing New York feels is necessary to ensure the goals of HAVA The selection of a new voting system was directed by the State Legislature to rest with each County Board of Elections, to ensure that local needs which are best understood by local election administrators, are met. Uniformity across New York will be achieved through specific regulations which govern the use, deployment, storage and maintenance of our new voting systems. Other state statutes and rules and regulations continue to cover topics surrounding elections, including: voter identification; voting system certification; what constitutes a vote; election official and poll worker training;

alternative language requirements; uniform provisional ballot procedures; procedures for military and absentee ballots; and tabulating and reporting of votes cast. The State continues to be in compliance with the National Voter Registration Act of 1993, and therefore already has sound procedures for voter registration and maintenance of the voter registration rolls, though the performance of list maintenance tasks becomes easier with the creation and use of the state-wide voter registration list. The State will continue to provide outreach to enhance voter registration.

PROPOSED PLAN:

- **Voting Systems Standards (§301)**

In 2006, the State Board of Elections certified five ballot marking devices to serve as an interim solution to provide access for voters with disabilities. As mentioned elsewhere in this Plan, a copy of the Federal Court Order, which New York was subject to at that time, is attached. Compliance with the order required the placement of at least one such ballot marking device in each county, though counties could provide more access than just a single device for their entire county if they so chose. Rules for the use of these interim systems, and the manner in which ballots would be cast and canvassed, were adopted. As New York's efforts at obtaining full certification for lever replacement voting systems were abruptly halted in 2007 due to significant deficiencies in the certification testing effort, the interim certification of ballot marking devices was extended. Another significant change in the realm of voting systems was the transfer of the ownership of voting systems from each of New York's cities, towns, and villages, to each respective County Board of Elections. Prior to this change in statute, only the Boards of Elections of the City of New York and in the counties of Monroe, Nassau and Suffolk, owned their own the voting machines. In the federal election of November 2000, there were 15, 571 election districts in New York State. With the exception of voters in 30 election districts, the vast majority of voters in those districts voted on one of the 19,843 lever machines in use at that time. Absentee voting systems are owned by the local boards, and in 2005, in compliance with HAVA, the State Legislature banned punch card absentee systems, which reduced the number of certified absentee systems from three, to one – that one being an optical-scan absentee system. At present, ten counties and all five boroughs constituting the City of New York, use the op-scan absentee voting system.

New York successfully established a procurement effort which required that new, interim certified ballot marking devices be purchased by county boards, said ballot marking devices being an eventual component of a complete lever machine replacement program, The 2008 procurement effort, in compliance with a new Federal Court Order (attached) placed a ballot marking device in each polling place in the State of New York. This newest program of compliance will ensure that voting accessibility standards for persons with disabilities are better met.

The State Legislature has provided for the appointment of a Citizens' Advisory Committee, charged to assist the State Board in its voting system certification program, with a focus directly on the ability of systems seeking certification to meet the needs of voters with a variety of disabilities. This committee, known as CEMAC – Citizens' Election Modernization Advisory Committee- has participated in the review of interim ballot marking devices, and awaits further

progress in the certification of lever-replacement voting systems. In further enhancing accessibility, the State has engaged in statewide efforts to ensure that polling places and voting systems are fully accessible. The State has accomplished this task through interactive education and training programs. These efforts are discussed elsewhere in this plan.

To ensure that HAVA reform is sustained, the State Board will also extend current reporting requirements to gauge performance of county election officials. These reports will continue to be the foundation for determining the need for any modifications required in State law, the State Board's regulations or in recommended best practices.

To meet these efforts, the State Board has and will continue to incur administrative costs associated with the coordination, planning, operations and reporting on this voting system conversion program. In addition, the State Board has expanded its voting system certification efforts and will be engaged in election official training programs.

- **Provisional Voting and Information Requirements (§302)**

  - **Provisional Voting**

Provisional ballots, called affidavit ballots in New York, were already provided for in state statute, long before the passage of HAVA. These ballots are a fail-safe option for voters whose names do not appear in a poll book, or for those who have moved but not yet notified their respective board of elections. In Primary elections they are also available to voters whose stated enrollment does not match the enrollment specified in a poll book. Affidavit ballots which are researched and determined to be valid by the county Election Commissioners, will be canvassed, and the information provided on the envelope in which the voted affidavit ballot was placed, will be used to update respective voter records. Statute requires that county boards of elections send a notice, and a registration form to each person who casts an affidavit ballot which was deemed invalid and was thus, not canvassed.

New York has enhanced existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification.

Additionally, New York's affidavit ballot envelope has been amended to allow a voter to reflect the additional, ID-related reason for casting an affidavit ballot. New York's NOTICE TO VOTERS has also been amended to reflect the availability of an affidavit ballot for resolution of an ID-related scenario.

  - **Information Requirements**

1–800-458-3453 is the State Board's toll free HAVA Administrative Complaint information line. It implements the initial call-in element of the statewide complaint procedure. The statewide complaint procedure allows for the comprehensive coordination of response by the State Board and county election officials, with the initial complaint inquiry handled by phone call, and with progression to a written process when needed.

The State Board has developed a "Voter's Bill of Rights", which is required to be prominently posted in each polling place. The poster describes: information regarding the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and when and how to cast a provisional ballot; general information on voting rights under applicable Federal and State laws, including information on how to contact the appropriate election officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

- **Computerized Statewide List, Voters who Register by Mail and Voter Identification (§303)**

  - **New York Voter Registration List**

The State Board has implemented a statewide voter registration list. The State Board's goal has been to meet the requirements of HAVA while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of election, the State Board has defined functional requirements, and the roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board implemented, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list.

Pursuant to the State Constitution, Article II, §6, a voter's registration is valid as long as the voter resides in the jurisdiction where he/she is registered. There are 62 county boards of elections which have responsibility for the registration of voters in their respective counties. One central board of elections serves the City of New York, with offices in each of the five boroughs (counties). Each board is responsible for, among other things: keeping the registration list accurate and current; removing individuals who are no longer eligible to vote in their jurisdiction; and notifying voters of the dates and times of all elections and the location of their polling place. The voter registration list maintained by the county boards is also used by school districts, villages, towns and other special districts for their particular elections.

In 2005, the New York State Legislature amended the State Election Law to implement the requirements of HAVA pertaining to the statewide voter registration list. The statute also required that the State Board of Elections create the statewide list by integrating with the current county voter registration systems, creating a "bottom-up" system.

In December of 2005, the Commissioners of the State Board of Elections decided to use the voter registration system developed in the State of Washington as a model. The State Board of Elections arranged for the transfer from the State of Washington to New York of the voter registration system code and documentation. In 2006, New York contracted with Saber Corporation to perform the system modifications to make the Washington model meet New York's needs.

Using the basic design model from the Washington solution, New York and Saber redesigned the system to meet New York's requirements, including the significantly larger number of voters to be supported by the system. Additional and more robust technology was incorporated to address the number of transactions anticipated in New York.

The statewide voter registration list, NYSVoter, was fully implemented in the summer of 2007. NYSVoter was developed on a Microsoft platform, using Microsoft SQL Server 2005 as the database engine, while employing MSBizTalk to handle messaging between systems using Extensible Markup Language (XML). All county-based voter registration systems are now able to communicate with the NYSVoter over a secure, encrypted virtual private network (VPN).

Local Voter Registration/Election Management Systems (VR/EMS) use the VPN to transmit XML packets containing new voter registrations, updates to voters, global updates and audit requests to NYSVoter, and receives messages for processing in near real time. In the event that there is a break in the communication line, both the local interface and the NYSVoter interface are designed to hold the messages in a queued state until communication is reestablished, thus allowing uninterrupted work flow on both ends.

For voter applicants, for whom identification is required, and who have provided a DMV client ID number, or the last four (4) digits of their Social Security Number (SSN), NYSVoter communicates with DMV in near real time and relays verification results back to the local VR/EMS system.

Where the voter identification information is able to be confirmed, the county board accordingly updates the record indicating whether or not the ID requirement has been met. The process to verify SSNs consists of DMV confirming that information through the American Association of Motor Vehicle Administrators (AAMVA) to the Social Security Administration, and receiving appropriate responses. Records that cannot be verified due to communication errors are re-sent nightly in a batch file, until they are positively or negatively verified.

NYSVoter performs a statewide matching of potential duplicate voters, and also matches voter information against felon and death records provided by New York State's Office of Court Administration and the Department of Health. In order to perform these list maintenance tasks, a secure web site is provided where local election officials can access the information and take appropriate steps to update voter records. Local election officials can also query the statewide list and create reports. Potential felon records shall be revised on at least a monthly basis, to ensure updated and accurate voter list maintenance is performed.

NYSVoter provides the public with an opportunity, through a web-based link, to review their voter registration information and locate their designated polling place. An added feature is the ability to print a map with directions to their polling place.

(ii) Voters who Register by Mail and Voter Identification

HAVA's identification requirements are accomplished, in the first instance, via the verification of an applicant's NY Department of Motor Vehicles client ID number (driver's

license or non-driver ID issued by DMV), or the verification of the last four digits of their social security number when no DMV client ID is provided. If an applicant's ID cannot be verified via the interactive and real-time process now enabled by the functionality of New York's statewide database, the voter may provide alternative forms of identification such as a current and valid photo id or a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name of the voter.

If a voter's verification status is initially not able to be confirmed, the County Board shall conduct a visual inspection of the voter's registration form to ensure no data entry or other errors were made before the verification process can continue. Only once this visual check has been made can a County Board determine a voter is unverified. If no errors were made follow-up mail to the applicant is provided for in New York's Election Law and State Board regulations to notify the voter as to the status of their id verification and to request id verification information when the county board is unable to complete verification activities. If a county board of elections receives no response to such mailings, ID must be presented prior to the voter casting their vote on a voting machine. New York remains committed to minimizing the number of persons required to provide ID when they vote. Towards that end, county boards are encouraged to contact those voters more than once, prior to election day, to remind voters to submit identification information, and advising them of election day resolution options.

New York's registration system vendors, in cooperation with the State Board and their respective county board customers, have developed a method of election day notification to election day workers and voters of ID issues. New York currently provides for a voter to sign in when they vote, in a designated box which appears next to a facsimile of their signature, in digitized poll books. These poll books can now display a message in the election day signature box, indicating to the inspector that the voter must provide ID prior to voting, on a voting machine and also provides space for a notation by the inspectors that the ID requirement has been met. Voters who were 'flagged' as having to provide such ID on election day, but did not do so, may cast an affidavit ballot. Inspectors are provided with a list of acceptable forms of identification, and a Voter's Bill of Rights, to assist them in serving these voters.

New York State is required to prepare a statewide election inspector training curriculum and training materials. The on-line training, materials, handbooks, and companion interactive training components of New York's training initiatives have all been updated with information relative to election day ID issues and possible solutions.

- **Voting Equipment Accessibility**

Improving voting equipment accessibility, as required by HAVA, includes accessibility for individuals with disabilities and alternative language accessibility as determined in HAVA and the Voting Rights Act of 1965. The measure of success for both elements is the successful acquisition and deployment of accessible voting machines following their certification.

The State Board continues to encourage and fund private-public partnerships and co-operative training program development and delivery wherever possible to enhance the voting

participation of all voters with disabilities in coordination with the Help America Vote Foundation established by HAVA. While beyond the scope of this State Plan, activities of such groups may be incorporated into performance reporting to complement physical accessibility goals.

County reports on poll site accessibility include data from on-site inspections of polling places, the number of polling places that are accessible, and continue to include data on measures which may be taken to bring inaccessible polling places into compliance. Beginning in 2005, the responsibility to designate and inspect poll sites for accessibility was transferred from cities and towns, to county boards of elections. This transition will help ensure monitoring and more uniform methods of addressing physical accessibility in the polling place. Success will be measured by compliance with the federal and state laws and regulations on physical accessibility.

- **Alternative Language Accessibility**

The State's goal is to provide language access that is in compliance with Section 203 of the Voting Rights Act of 1965. The State Board and the counties so designated will provide the requisite language throughout the entire election process, from voter registration to casting the ballot.

- **State Board Administrative Complaint Procedure**

The State Board has established and is maintaining a statewide HAVA Administration complaint procedure, addressing all areas from initial inquiry relative to a complaint through potential Alternative Dispute Resolution. The Board is working with an Alternative Dispute Resolution Agency (ADRA) relative to the HAVA complaint procedures at the Board, and the requirements that apply to the ADRA function. The Board has educated county election boards by way of providing written procedures and in person discussion of procedures for those boards to follow in addressing a HAVA complaint. Measurement of the success of the statewide procedure will be based on the experience of the voter as well as a number of points of information: total number of complaints received, the number of complaints resolved, the number of complaints resolved within the mandated time frame, and the reason the complaint is not resolved within the mandated time frame.

Section 2: How the State will Distribute and Monitor Requirements Payments

OBJECTIVE:

Describe how the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section (1), including a description of:

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

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

GOAL:

To have the State Board centrally manage initiatives funded by requirements payments for the purpose of maintaining uniformity of voting equipment purchases and other expenditures.

PRESENT STATUS:

Prior to HAVA, the State of New York did not provide any funding to county boards of elections. Currently, NYSBOE administers several grant programs to the county boards of elections. These programs reimburse the county boards of elections for actual approved expenses for voter education and poll worker training services based on an allocation formula set by the State Legislature. New York successfully established a procurement effort which provided for the purchase by county boards of HAVA compliant voting systems.

PROPOSED PLAN:

The State Board administers the resulting contracts and disbursements consistent with state budget plan described in Section 6 of this plan. The commitments under Title III will be based on federal and state funds deposited in the state election fund.

Funds were allocated by the State Legislature based on availability and the priorities established in this State Plan, proportional to county voter registration statistics as of December 31, 2004. County boards of elections submitted their county budgets that contain the 2000 election cycle maintenance of effort, to establish baseline amounts for efforts already in practice. Allowable expenditures beyond the maintenance of effort will be coordinated with statewide efforts.

For purchases made pursuant to the statewide procurement explained elsewhere in this Plan, counties access their apportioned HAVA funds for this purpose by submitting requisitions to New York State's Office of General Services (OGS), which manages the State's voting system

contracts. Counties may purchase voting systems, election management systems, system peripherals, disability access devices and accessories, and other items such as support services, training, and privacy booths.

Purchase orders are subsequently processed and vendors are paid directly by OGS on each county's behalf. The State Board of Elections will develop a program to reimburse counties for allowable expenses incurred in the furtherance of federal elections, using any remaining HAVA funds after certification is provided which attests to the State's compliance with Title III of HAVA.

The performance measures detailed in Section 8 of this State Plan will be used to evaluate participation and effectiveness of disbursements. Monitoring performance measures will be completed during the filing of detailed reports required by the State Board. The reports will include specific data to disclose each county's performance as it relates to the implementation of HAVA.

Section 3: Voter Education, Election Official and Poll Worker Training

OBJECTIVE:

Describe how the State will provide programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

GOAL:

The goal of providing voter education has always been foremost with the State Board, as well as with county boards of elections. The State Board views education of the voter as a key component in the entire election process. Voter education is particularly important in the implementation of HAVA which includes the introduction of new voting systems. The State anticipates devoting significant resources available under HAVA to voter education efforts. The proposed Plan delineated below provides initial components of a voter education program necessary to successfully implement HAVA in New York. Additionally, New York recognizes the value of and intends to develop a uniform, statewide comprehensive training program for poll workers and election officials.

PRESENT STATUS:

The county boards of elections administer local, county, state and federal elections. They recruit, hire and train election inspectors and voting machine custodians. Local election officials administer their own training for staff and poll workers. The State Board provides each county with a "Guide to Operating a Board of Elections" for training of board staff. The State Board supplies county boards with Election Inspector Handbooks for use in their training and on

election day. The State Board supplies local boards of elections with educational brochures for the public on various aspects of the voting process. Voting system vendors are required to provide training for election officials, voting machine custodians and election day workers, as part of their contractual obligations.

The State Board takes pride in the working relationship it has with the county boards of elections. The Board has been successful in launching new forms and procedures, due to its policy of empanelling focus groups of election commissioners, who assist in evaluating all aspects of the concept or form being discussed. Additionally, the State Board includes other experts, such as postal officials, literacy and forms experts, and others who lend their skills and talents to the discussion and production phases of these efforts. The State Board intends to continue to utilize all the expertise available to it, to ensure a full analysis of any initiative and/or any forms which are a result of that initiative.

The State Board continues to be committed to effective election official and poll worker training which will result in positive voter experiences and fair and orderly elections. All poll workers must and will be trained in new procedures and will receive essential hands-on training in the operation of new voting equipment. Significant HAVA resources will be devoted to the training of poll workers which now must be provided annually, and election officials to ensure the successful introduction of new voting systems and procedures in New York. Poll worker training is essential to the successful implementation of HAVA in New York State. Each inspector should be provided with sufficient knowledge and information to become proficient at performing their duties in the election process.

The State Board of Elections includes in its mandatory core curriculum for poll worker training, the rights of voters at the polls and obligation of election workers to protect those rights while maintaining the integrity of the franchise. This mission includes assisting voters with disabilities (disability etiquette), operation and use of voting systems including Ballot Marking Devices and those with limited or no proficiency in the English language. This curriculum also addresses handling, processing and entitlement to ballots, including affidavit and emergency ballots, proper identification requirements, procedures to be followed with respect to voters whose names are not on the list of registered voters or whose identities have not been verified, electioneering and other violations of the elective franchise as defined in this chapter, solicitation by individuals and groups at the polling place and procedures to be followed after the polls close. Each prospective election day worker must complete a course of instruction and pass a written test before being appointed by the County Board to serve as a poll worker.

PROPOSED PLAN:

- State-level Voter Education and Poll Worker Training:

In 2007, the State Board selected a company to design and implement a web-based, accessible and interactive Voter Education program as well as a Poll Worker Training program that may be utilized in all counties. This program is provided at no additional expense to the counties. Our selected solution provider, SOE Software (SOE), has completed the development of each program.

The instructional material included in the training and education programs provide for a uniform and nondiscriminatory treatment of voters in determining: a) who is offered a provisional ballot, b) whose provisional ballots are counted, c) who may provide assistance to voters in the polling booth, d) the availability of language assistance, if required, including translated ballots and materials, and interpreters, e) which voter is asked for identification at the polls, f) what forms of identification are accepted at the polls to allow a voter to cast their ballots on the regular voting system, g) affidavit voting, and h) how voter education requirements are carried out. Further, the instruction materials address the use of the new voting machines, sensitivity in dealing with voters with disabilities, first time voters, the elderly, voters entitled to language assistance and those voters with accessibility issues.

The voter education program was completed in August 2008 and can be accessed at www.VOTE-NY.com. Information is available to the public on the use of voting systems available in their community as well as information on how to use such equipment in an election. All material and content is provided in written format that is able to be recognized by screen readers and the font size may be adjusted by the viewer. Audio instruction is also provided with closed captioning information.

The poll worker training program was completed in September 2008 and it provides a uniform statewide curriculum for use by county boards of elections to train poll workers in the use of their respective voting systems, and other election day requirements, as well as instruction on meeting alternative language and voter access needs. A county-level poll worker training manual was developed in both a student's edition as well as an instructor's edition. Also a county-level administrator manual was developed and county board of elections designated staff members were trained through a series of regional training sessions conducted in 2008.

In addition to the online voter education program and the poll worker training program, the State Board provided CD copies of the education and training material for use by county boards of elections in providing education and instruction programs when internet access is not available.

The State Board provides through this statewide training process, the same procedures that are used in all polling places.

The State Board is working with voting system vendors to enhance and deliver required training programs on the web and with companion training manuals to election officials, voting machine custodians, Election Day workers and voters.

The State Board has developed and begun to deliver a voter outreach/education campaign, via media to every registered voter, with information on the use of new voting machines and election day processes. Information material is provided in written and audio formats in all of the required languages and the font sizes may be adjusted. Further, online content may be translated to audio by use of a screen reader. Outreach efforts shall include ample opportunities for voters to become familiar with new voting machines. The provision of the education outreach material via the web facilitates access by a wide range of individuals and organizations

such as schools, community groups, libraries, government agencies, television, radio, and links with other websites.

The State Board continues exploring new and innovative poll worker recruitment programs, including the utilization of the "Help America Vote College Program."

Each county board of elections is urged to have a website that provides information and which links voters to comprehensive, useful and downloadable election information and forms. The State Board will develop a model website which would be available for utilization by county boards of elections.

- County-level Voter Education and Poll Worker Training:

In 2006, the State Board developed general and specific guidelines for use by county boards of elections to access a portion of the requirements money to develop and implement county-based voter education and poll worker training programs. These guidelines, copy attached, provide tips, reminders and practical recommendations, and are intended to bolster public confidence in the election process. They provide guidance to election administrators on methods for keeping the voting process secure while ensuring that every eligible voter can cast a vote and have that vote counted. Each county board of elections, and in the City of New York, the Board of Elections in the City of New York, may be reimbursed for actual expenses made based on approved vouchers for education and training services completed in accordance with a written plan.

Section 4: Voting System Guidelines and Processes

OBJECTIVE:

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

GOAL:

New York intends to replace all lever voting machines used in the state, which numbered 19,843 at the 2000 Presidential Election, with voting systems which are HAVA-compliant. ,

New York is currently under a federal court order, which has two main focus points. In 2008, New York provided voters with disabilities the opportunity to vote and verify their ballot selections independently and privately. This was being accomplished via the certification, delivery and use of at least one ballot marking device in each polling place in the State of New York. The second focus of the order is to provide for complete lever replacements throughout the state, no later than the 2009 Primary election. Details of the Order of the court are found elsewhere in this document, and a copy of the order itself can be found in the Appendix.

New York has replaced its two remaining county-based punch-card, absentee voting systems.

PRESENT STATUS:

- The State Board worked with and through the State's Office of General Services, and with its consultant. New York State Technology Enterprises Corporation (NYSTEC) to develop procurement documents, review proposals and select an independent testing facility to conduct certification testing.

- The State Board, as directed in statute, worked with and through the State Office of General Services to develop procurement documents, develop a corresponding contract, and participated in negotiation sessions which brought voting system vendors into the certification process.

- The State Board of Elections has incorporated the 2005 Voluntary Voting System Guidelines into its own voting system requirements, as Part 6209 of NYCRR. These regulations and its companion sections of Election Law, address issues of accessibility, secrecy, prevention of over votes, notification of under votes, review of one's ballot prior to casting, and the accurate counting of every vote cast.

- New York's voting system certification program is accomplished within the State Board's Election Operations Unit, in consultation with its independent testing consultant, NYSTEC.

- New York statute defines what constitutes a vote. The statute now has companion regulations, known as NYCRR Part 6210, which further define what constitutes a vote.

- The State Board has developed in regulation, Part 6209, a method to review and decertify voting systems that no longer meet the requirements of New York's statute and regulations.

- The performance of logic and accuracy tests is required before each election, and is conducted at the county level, pursuant to formulas and procedures developed and distributed by the State Board, thus ensuring accurate ballot configuration and consistent correct vote counts for all offices, and uniformity throughout the state. Draft procedures have been developed to ensure tasks match the new voting technologies to be used in New York.

- Current statute and regulations require the conduct of an acceptance test on each piece of voting equipment purchased in the State, prior to its use. For the ballot marking devices required for compliance with the federal court order, acceptance testing was being conducted centrally, in Albany, New York. County Board personnel have been present at testing, when counties so choose to participate. At the conclusion of successful acceptance testing, voting systems were re-packed by vendor representatives and shipped

to respective county boards of elections, however, counties may opt to pick-up their own ballot marking devices.

PROPOSED PLAN:

- The State Board will continue to work with county election officials to ensure that ballot marking devices and all companion peripherals are purchased, acceptance tested and deployed.
- The State Board will continue to work with county election officials, to ensure that fully-compliant lever replacement voting systems are purchased, acceptance tested and deployed throughout the State, once such replacement voting systems have been certified.
- The State Board will develop procedures to facilitate the review and decertification of systems that no longer meet adopted Voting System Standards, as provided for in regulation.

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

- Replacement of lever voting machines and punch card voting devices.

New York has undertaken a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities and language minority voters are met. This effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

New York State initially charged the purchase of new voting equipment to Title II, Section 251 funds pending passage of federal legislation which would extend the timeframe within which NYS could use Title I, Section 102 funds. With the recent passage of the Government Appropriation Act of 2009 (Public Law 111-8, specifically Section 625 42 USC 15302), and as Title II funds are available for all HAVA related expenses, it is now possible to appropriately charge the voting equipment previously purchased to replace lever voting machines to Title I, Section 102 funds which is for the specific purpose of replacement of lever voting equipment.

Section 5: How the Election Fund will be Established and Managed

OBJECTIVE:

Describe how the State will establish an Election Fund for purposes of administering the State's activities under this part, including information on fund management.

GOAL:

To establish a state fund for the purposes of administering the receipt and distribution of funds under HAVA.

PRESENT STATUS:

The Legislature established a separate appropriation, which is the basis for our certification under Section 253(b) of HAVA, with regards to the five (5%) percent matching funds.

An appropriation was included in the Fiscal Year 2005-2006 Executive Budget, and it was reauthorized in each consecutive Fiscal Year since then, ensuring that the appropriation continued to be available.

PROPOSED PLAN:

There were no funds appropriated in 2003/04. In **2005,** the Legislature appropriated the following funds:

$190,000,000 in Aid to Localities for services and expenses related to the purchase of new voting machines and voting systems for use by the local boards of elections.

$10,000,000 in Aid to Localities for Poll Worker Training and Voter Education

$20,000,000 in State Operations for implementation of HAVA throughout New York State.

In **2006,** the Legislature appropriated $12,000,000 in **earned interest** for services and expenses related to the implementation of HAVA, including the purchase of new voting machines and disability accessible ballot marking devices for use b the local boards of elections.

In **2007,** the Legislature appropriated $15,000,000 in **earned interest** for services and expenses related to the implementation of HAVA, including the purchase of new voting machines and disability accessible ballot marking devices for use by the local boards of elections. The Legislature also appropriated $5,000,000 in **earned interest** for services and expenses related to testing and certification contracts for voting machines.

In **2008**, the Legislature appropriated $10,000,000 in **earned interest** for services and expenses related to the implementation of HAVA including the purchase of new voting machines and disability accessible ballot marking devices for use by the local boards of elections. Of that, $700,000 may be transferred by the state operations account for the State Board of Elections for the development of curriculum for use by local boards of elections for poll worker training and voter education with respect to using each approved voting machine and voting system.

Once the State's Chief Election Official certifies that New York has complied with HAVA's Title III requirements, the State intends to use any remaining funds, and any additional funds which may be received, for improvements to the administration of Federal elections.

Section 6: Budget for Title III Requirements

OBJECTIVE:

Describe 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.

GOAL:

Provide for effective and efficient use of available federal funds, to implement election reforms required by HAVA.

PRESENT STATUS:

Separate funds are established in New York by legislation which allows state agencies overseeing the program to establish guidelines for access to such funds by local governments. Since neither the State nor the Federal government has previously distributed funds to localities for election purposes, no such program had existed. The State Board established a statewide procurement effort for use by county boards of elections to purchase new voting systems and accessible ballot marking devices; and created programs to improve poll site accessibility, and to develop and implement voter education and poll worker training services.

PROPOSED PLAN:

New York's proposed budget outlined below, subject to federal funding of HAVA, includes funding for programs to conform the State to the requirements of Title III. In order to qualify for funding, the State must: meet the requirements of Title III; provide the same maintenance of effort for election operations as in the budget year prior to the 2000 general election; and provide matching funds of five percent of the federal dollars. Funding under HAVA also provides funding under Section 101 for the Administration of Elections and under Section 102 for Lever Machine and Punch Card Replacement. All of the funds provided under HAVA are "no year" money, meaning that they are not required to be expended by the close of the specific federal fiscal year.

Proposed Budget for State Plan for Fiscal Years 2003-2009						
A total of $63 million from Title I and $160.7 million from Title II is Projected.						
Program Area	**Total Proposed Budget**	**Title I Section 101**	**Title I Section 102**	**Title II Section 251**	**Title II Section 261**	**NY State Funds**
Voting Accessibility - Lever Machine Replacement Program	198,000,000		50,000,000	140,000,000		8,000,000
New York State Voter Registration List	13,705,000	7,000,000		6,705,000		
Physical Accessibility	8,410,000				3,700,000	4,710,000
Provisional Balloting	0					
Poll Worker Training and Voter Education	10,500,000			10,000,000		500,000
Complaint Dispute Resolution	25,000	25,000				
Election Administration Grant Program	0					
HAVA Administration	8,975,000	8,975,000				
Additional Full HAVA Funding	40,000,000			40,000,000		
Totals	279,615,000	16,000,000	50,000,000	196,705,000	3,700,000	13,210,000

Voting Accessibility

New York is facilitating a procurement program, to enable the replacement of lever voting machines. The State Board will work with county election officials to ensure that all needs are met, including but not limited to: device acquisition; device tracking for chain of custody and audit purposes, system maintenance; election preparation services; and election tabulation services.

The Plan proposes, and statute now requires that counties own and operate these new systems. The State will work with county boards of elections and vendors to develop procedures for the conduct of and methods to monitor required maintenance tasks and the various other aspects associated with the new voting systems and the consolidation of the control of all election services at the county level.

Polls sites shall be staffed with sufficient numbers of bi-partisan teams of workers adequately

trained and competent in all aspects of the election process and on all voting devices utilized in the polling place.

New York State Voter Registration List

The State Board has implemented a statewide voter registration list that complies with HAVA Title III. The State Board has established rules and regulations which define procedures and roles and responsibilities for enabling county boards to uniformly carry out the functions of voter registration.

The State Board developed, and implemented a "bottom-up" system which communicates with local voter registration systems in near real time. County Boards are responsible for the local hardware, software and communications infrastructures necessary for synchronizing the statewide list.

The State Board maintains and supports the statewide list as the official voter registration list. County boards remain responsible for all aspects of election administration, including but not limited to: a) voter registration, b) poll site management, c) registration list information, d) provisional balloting, e) voter education and training, f) ballot access filings, and g) improved access to the voting process.

The State Board will develop and maintain web based systems based on the state wide voter registration list that will assist voters in determining their registration status and locating their proper polling site.

Physical Accessibility

In June 2006, the State Board created a grant program to administer $5 million in state funds, to be used by localities to improve the physical accessibility of polling places. Also, federal grant awards provide an additional $3.7 million from Health and Human Services (HHS) to improve accessibility of poll sites, to train poll workers to meet voter access needs and to train voters in the use of new voting equipment to ensure that every voter that wants to vote can vote and that their vote is counted. In order to access these funds, counties are required to survey all poll sites and prepare a written plan to provide temporary or permanent improvements, if necessary.

Provisional Balloting

Provisional balloting is already a county board responsibility, and is included in the maintenance of effort of the county election officials as prescribed in law.

Voter Education, Poll Worker and Election Official Training

Voter education is already a county board responsibility, and included in the maintenance of effort of county election officials. Because all jurisdictions will be changing voting technology, there will be costs associated with voter education above the current maintenance of effort. The

State Legislature has appropriated $10 million from the HAVA election fund for use by county boards of elections to develop and implement education and essential hands-on training programs to train voters, poll workers and election officials in the use of new voting systems. The State Board established and administers a grant program whereby county boards of elections may access their portion of the grant fund, subject to a local five (5%) percent match. County boards are reimbursed for actual expenses based upon approved vouchers for education and training services completed in accordance with a written plan. Quarterly status reports are required during the duration of the grant program to monitor compliance with the grant fund goals.

County Boards are encouraged to include disability service providers in the development and delivery of training programs to ensure poll workers understand how to assist voters with disabilities (disability etiquette), operation and use of voting systems including Ballot Marking Devices, polling place accessibility, the poll site surveying process, and will support re-imbursement for those services whenever possible. In those jurisdictions required to provide language assistance to voters under the Voting Rights Act, county boards will be similarly encouraged to include organizations serving language minorities in the development and delivery of training programs to ensure poll workers understand how to assist voters requiring language assistance, operation and use of voting systems including Ballot Marking Devices, and will support re-imbursement for those services whenever possible.

Poll worker training is already a county board responsibility, and included in the maintenance of effort of county election officials. Because all jurisdictions will be changing voting technology and election day procedures, there will be costs associated with poll worker training above the current maintenance of effort.

Election official training is already a State Board responsibility, and included in the maintenance of effort of the State Board. Due to changes in voting technology and election day procedures, there will be costs associated with election official training above the current maintenance of effort.

Statewide Complaint System

The State Board has implemented a statewide complaint system to comply with HAVA Title IV, in order to qualify for Title III funding. Working with the county election officials, the State Board has defined functional requirements, roles and responsibilities of complaint procedures as defined in Section 9 of the State Plan.

Subject to federal funding of HAVA, the complaint procedure will be funded for development and additional efforts for maintaining the system.

Election Administration Grant Program

The State Legislature has determined how HAVA funds distributed to New York should be appropriated at both the State and County Board levels. The State Legislature has appropriated funds in order to facilitate the mandate of the Legislature in this regard. The Election

Administration Grant Program which was described in our initial Implementation Plan, has been abandoned.

Administration Costs

To fulfill the requirements of Title III, the State Board provides for the coordination, planning, operation and reporting on these programs. Subject to federal funding of HAVA, the State Board will use funds to administer the implementation of HAVA above the Fiscal Year 2000 maintenance effort.

Section 7: Maintenance of Effort

OBJECTIVE:

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

GOAL:

Meet statutory mandate for maintenance of effort.

PRESENT STATUS:

Prior to the implementation of HAVA, the State Board did not provide funds for any activities identified in Title III. Costs for voting systems, provisional balloting, voting information requirements, voter registration lists, and registration by mail were and still are borne by county boards of election.

PROPOSED PLAN:

County boards shall continue to provide maintenance of effort in providing election and voter education as required in HAVA.

Section 8: Performance Goals and Measures

This section represents a consolidation of performance goals and measures found in other parts of this plan.

OBJECTIVE:

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

The State Board has the responsibility to monitor how each county board conducts elections in New York State. The State Board collects significant amounts of data at various times throughout the year, and uses the data to discern trends, identify problems, modify training materials and take other steps to improve the election process. The State Board evaluates county board operations via on-site visits, the review of surveys, the presentation at statewide conferences of workshops which focus on scenarios from which all county board staff and Election Day workers can learn.

GOAL:

The Help America Vote Act of 2002 (HAVA), public law 107-252, establishes minimum election administration standards for states. It specifically requires the State of New York to:

- Replace all lever machines and punch card voting devices used by counties for elections;
- Certify new and existing voting systems according to national and state standards;
- Improve voting equipment accessibility, to include physical and language accessibility;
- Enhance existing provisional voting system requirements;
- Establish a statewide complaint system;
- Provide training for election officials and poll workers;
- Increase voter education for new voting systems; and,
- Create a new uniform statewide voter registration list.

- **Voting Systems Standards (§301)**

Process used to develop the criteria	Establish the number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.

Description of the criteria used to measure performance	62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions for replacing voting systems.
Performance measure	Number of counties using lever machines and punch card voting devices in the 2006 Federal election.
Timetable	Ongoing from January 1, 2003.
Description of official to be held responsible for ensuring each performance goal is met	Each county board of elections is responsible for implementing the replacement voting system in their county; however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

- **Provisional Voting and Information Requirements (§302)**

Process used to develop the criteria	The State Board will review the current statutes and county board procedures and make any changes needed for provisional (affidavit) balloting.
Description of the criteria used to measure performance	Modify the current notice to voters to: add an explanation of instances where failure to present ID can be overcome by the casting of an affidavit ballot; add the phone number of county board of elections to ensure toll-free access for voters to follow-up on their ballots; and create a voter's bill of rights for distribution and posting in all poll sites.
Performance measure	Each county board will report the following information: • The distribution of revised notices in election day supplies. • The addition of revised procedures to any state or local inspector and voter education initiatives. • A review of amended processes added to inspector training curriculum • The number of affidavit ballots cast; the number of affidavit ballots subsequently verified and canvassed; the number of affidavit ballots that were not verified and canvassed, and the reasons for their rejection.

Timetable	Notices to be modified and documents to be distributed by May 2004, to inaugurate the process and to ensure full implementation by the 2004 Federal election. The effort to update poll worker materials as necessary is ongoing.
Description of official to be held responsible for ensuring each performance goal is met	County election officials are responsible for provisional ballot distribution verification and compliance with procedures established by the State Board. The State Board is responsible for reviewing compliance reports submitted by counties, including data on affidavit ballots cast, canvassed, or rejected and the reasons for such rejections. The State Board will review possible compliance issues working with counties to resolve issues which are identified.

- **Computerized Statewide List, Voters who Register by Mail and Voter Identification (§303)**

Process used to develop the criteria	Evaluation of the legislation, Task Force sessions, in-house work sessions with appropriate staff, consultation with other state agencies having related expertise, and on-site visits to other states and county boards to review voter registration systems.
Description of the criteria used to measure performance	Implementation of a single, uniform, statewide voter registration list accessible to all counties, and routinely review county board compliance with voter registration regulations and procedures.
Performance measure	The State Board has identified three stages for the creation of the statewide list. Stage 1: Planning: - Completion of business analysis. - Establishment of database architecture. Stage 2: Development: - Development of the database model. - Determination of hardware and software components of the database architecture. - Acquisition of the requisite hardware and software components of the database. - Development of a single statewide uniform user interface. - Development of the necessary computer network with local boards of elections. - Testing with regards to all of the above. Stage 3: Implementation: - Migration of local voter registration data into statewide list. - Training of appropriate personnel.

	- Rollout of the system to local boards of elections. - Troubleshooting with regards to items outlined in Stage 2. - Establishment of fully operational system. - Testing with regard to all of the above. - Routinely review county board compliance with voter registration regulations and procedures
Timetable	January 1, 2003 to the 2007 Primary election
Description of official to be held responsible for ensuring each performance goal is met	The State Board is responsible for implementing and operating the statewide voter registration list.

- **Voting Equipment Accessibility**

Process used to develop the criteria	Establish number of counties using accessible devices in the 2000 Federal election.
Description of the criteria used to measure performance	All 62 New York counties will require alternative voting accessibility devices in the 2006 Federal election.
Performance measure	Number of counties using voter-accessible compliant devices in the 2006 Federal election.
Timetable	Ongoing from January 1, 2003.
Description of official to be held responsible for ensuring each performance goal is met	The State Board is responsible for the certification of HAVA compliant voting equipment in the state.

- **Alternative Language Accessibility**

Process used to develop the criteria	The state and counties already provide language accessibility as required by the Voting Rights Act of 1965. In 2006, the State Board created general and specific guidelines for use by county boards of elections to access a portion of the requirements payments to develop, publish and distribute voter education and poll worker training materials in alternative languages, where applicable.

Description of the criteria used to measure performance	Counties will provide the state with quarterly reports of alternative language capabilities with reference to ballots, publicity pamphlets, voter registration forms, voter education materials, and language assistance at polling places on election day until such time as the existing grant program is completed.
Performance measure	With respect to each county, information will be collected to measure the steps taken to meet alternative language accessibility via inter alia, publicity pamphlets, ballots, voter registration forms, voter education materials, and language assistance at polling places on election day.
Timetable	Ongoing from 2007 until the funds are depleted.
Description of official to be held responsible for ensuring each performance goal is met	The county boards are responsible for ensuring each performance goal is met, with the assistance and cooperation of the State Board.

- **State Board Administrative Complaint Procedure**

Process used to develop the criteria	Evaluation of the legislation, Task Force sessions, in-house work sessions, with appropriate staff.
Description of the criteria used to measure performance	Measurement of successes of the statewide complaint procedure will be the performance of the system, as well as the experience for the voter.
Performance measure	The State Board will review the total number of complaints received, processed and resolved. The following information will be collected to objectively measure performance: • Number of complaints received • Number complaints resolved • Number of complaints resolved within the mandated timeframe • Reason complaint is not resolved within the mandated timeframe
Timetable	November 1, 2006.
Description of official to	State Board of Elections.

be held responsible for ensuring each performance goal is met	

- **Voter Education, Election Official and Poll Worker Training**

  - **Election Official and Poll Worker Training**

Process used to develop the criteria	Evaluate existing training programs and corresponding instructional materials in conjunction with new HAVA requirements.
Description of the criteria used to measure performance	Analyzing the number of election officials/poll workers trained in each county will allow the State Board and county boards to determine whether the uniform training as implemented, was successful. Encourage county boards to survey poll workers to solicit feedback on the effectiveness of the training.
Performance measure	With respect to each county, the following information will be collected to measure election official/poll worker training performance: • The number of election officials to be trained in each county. • The total number of poll workers to be trained in each county. • The number of election officials that are trained in each county. • The total number of poll workers that are trained in each county. • The total number of individuals who are tested on training curricula and pass or fail such tests.
Timetable	Spring 2008 training on new election day processes; training on new equipment when acquired by locality.
Description of official to be held responsible for ensuring each performance goal is met	County election officials are responsible for poll worker training and reporting, however, the State Board is responsible for establishing the guidelines, reporting requirements and ultimately the success of this performance measure.

- **Voter Education**

Process used to develop the criteria	The counties and certain community/political groups already provide voter education opportunities. By the 2006 Federal election, additional steps will be taken to ensure voter knowledge of changes in voting systems and election day procedures required by this Act. The State Board will continue to work with the counties to maintain records of and review voter comments concerning sufficiency of voter education programs. The counties will include details of their efforts in the annual reports they file with the State Board.
Description of the criteria used to measure performance	The assimilation by the voter of new election day processes will be determined by the number of problems occurring on election day.

Performance measure	With respect to each county, the following information will be collected to measure performance:
	• Number of public service announcements,
	• Number of locations where voting equipment is on public display,
	• Number of other voter education and voter outreach initiatives, including:
	  • Description
	  • Estimated costs
	  • Participation
	• Number and nature of problems on election day.

Timetable	September 2006 Primary Election and annually thereafter, until grant funds depleted.
Description of official to be held responsible for ensuring each performance goal is met	The State Board and the county boards are all responsible for ensuring the success of voter education; however, the State Board is responsible for the success of all statewide coordinated efforts for voter education.

Section 9: Administrative Complaint Procedure

OBJECTIVE:

Provide a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Title IV.

GOAL:

New York has developed a procedure for the processing of any complaints for alleged violations of Title III of HAVA.

PRESENT STATUS:

The State Board currently provides the opportunity for any person to file a complaint about provisions of the Election Law, election day procedures, election administration and voter registration. This includes complaints relating to the National Voter Registration Act. In addition, complaints may be also made to any county board of elections.

PROPOSED PLAN:

Initially, any complaints made at the local level may be resolved there in an informal manner. Thus, the officials closest to the problem may correct it in the most efficient and timely way possible.

1 - 800 -458-3453 (option 4) is the State Board's current toll-free HAVA Administrative Complaint information line. It implements the initial call-in element of a Statewide Complaint procedure. The statewide procedure allows for the comprehensive coordination of response by the State Board and county election officials, with the initial complaint inquiry handled in person or by phone call, and progression to a written process when needed.

The State Board has set up a method for processing written complaints received in compliance with HAVA requirements. The State Board and county boards will assist any person with disabilities to make a complaint.

As required by HAVA, the process provides for an opportunity for any complainant to request a hearing on the record. The procedure also provides that the State Board will make a final determination of a complaint within the mandated timeframe, unless the time limit is waived by the complainant. If the State Board fails to meet this deadline, an alternative dispute resolution procedure will be used to resolve the complaint within 60 additional days, unless the time limit is waived by the complainant. All determinations shall be published by posting to the State Board's website.

Section 10: Title I Payments

OBJECTIVE:

Describe how any payment under Title I will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

GOAL:

Provide for effective and efficient use of available federal funds.

PRESENT STATUS:

The Federal Funds received under Title I, Section 101 have been partially expended to support State Operations associated with the Implementation of HAVA including the development of a statewide voter registration database and the procurement of accessible Ballot Marking Systems and supplies and programming to support such systems.

PROPOSED PLAN:

Pursuant to HAVA and in anticipation of receiving full funding for Title I, money will be distributed to provide for lever machine replacement for each county where a lever machine system is in use. Section 6 details how the federal funds will be spent to meet the requirements of Section 301 of HAVA. Title 1, Section 102 funds will be used to replace lever voting systems. The following requirements must be met before these funds can be used:

- The State will use the payment to pay vendors directly for the costs of replacing a lever voting system by the required deadline of the first federal election after March 31, 2008.

New York will initiate a program to facilitate voting system replacement. Every county in the State will require new voting systems. The State Board will explore a procurement effort to acquire these systems. The scope of the program will be the replacement of voting systems. The State Board will work with county election officials to ensure that all needs are met, including but not limited to: system acquisition; system maintenance; election preparation services; and election tabulation services.

This Plan proposes that counties own and operate the systems and work with vendors to maintain the new voting systems and retain control of election services at the county level.

The State Board will implement a statewide voter registration list to comply with the HAVA Title III. Working with the county election officials, the State Board will define functional requirements and roles and responsibilities of carrying out the functions of voter registration. The State Board will define, maintain and administer at the state level "the single, uniform, official, centralized, interactive computerized statewide voter registration list."

The remainder of Title I, Section 101 funds will be used to support the implementation of Voting Systems throughout New York State.

Any remaining funds will be used for the other programs described in Title I, Section 101 (b) (1). Section 6 of the State Plan details how such funds will be allocated.

Section 11: Management of the State Plan

OBJECTIVE:

Describe how the State will conduct ongoing management of the plan except that the State may not make any material change in the administration of the plan unless such change is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State Plan; is subject to public notice and comment in accordance with Section 256 in the same manner as the State Plan; and takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

GOAL:

The State Board will ensure proper management of obligations set forth in HAVA.

PRESENT STATUS:

Presently the State Board has oversight responsibilities for all 62 county boards of elections. The various mechanisms used at the present time, for conducting related monitoring and educational activities, include the following:

- on-site board visits, followed by written reports (to the State Board, County Board, and local legislative leaders, as appropriate)
- annual report statistical review, encompassing a quantitative summary of board activities
- extensive subject-specific surveys regarding procedures, processes or events
- certifications by county boards on the performance and outcome of certain statutory tasks (such as required mailings to voters, polling place evaluations, etc.)
- presentation of an annual conference, for all election officials in the state (usual attendance exceeds over 200 participants), including a Professional Practices component
- participation in two statewide conferences sponsored by the New York State Election Commissioners Association, at which the State Board presents workshops on specific topics
- creation and distribution of a "Guide to Operating a Board of Elections", to assist election officials in standardizing and professionalizing day-to-day and election-specific operations
- numerous memos on procedure and performance suggestions, to assist county boards in the development of operational procedures
- creation and distribution of model procedures which are task-specific, and serve as an easy reference and guide for the conduct and anticipated outcome of certain procedures (such as the NVRA-related List Maintenance Directory)

PROPOSED PLAN:

All of these existing components will be enhanced to include reviews, assessments, reporting and certification of HAVA requirements, to ensure the uniform, professional and consistent

implementation of all aspects of this federal legislation

If the State Board determines the State Plan requires material change, the State Board shall: a) propose the recommended changes to the Chief State Election Official; b) allow for public comment for not less than 30 days; and c) publish in the Federal Register upon submitting the revised plan to the Election Assistance Commission.

Section 12: Changes to State Plan from Previous Fiscal Year

OBJECTIVE:

Describe how the Plan reflects changes from the State Plan for the previous fiscal year and how the State succeeded in carrying out the State Plan for such previous fiscal year.

GOAL:

To establish a mechanism to address changes in subsequent years of the state planning process pursuant to HAVA.

PRESENT STATUS:

As the State was out of compliance with HAVA at a very early point in this process, and that failure to comply resulted in federal litigation *(United States of America vs. New York State Board of Elections, et al,*, 06-cv-0263in the United States District Court for the Northern District of New York, the State has been operating pursuant to two separate Remedial Orders outlining and directing the State's compliance with HAVA court orders, thus no previous amendments have been filed.

PROPOSED PLAN:

This State Plan will be updated annually, demonstrating progress in implementing the order of the federal court, ensuring New York's ultimate HAVA compliance.

Section 13: The Planning Committee and its Procedures

OBJECTIVE:

Provide 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, including the membership of the committee and its activities, such as hearings or other forms of public input, publications, notices, comments, and actions taken as a result of comments.

DESCRIPTION OF THE DEVELOPMENT OF THE STATE PLAN:

2003 TASK FORCE

Pursuant to Section 255, on February 7, 2003, the Chief State Election Official, Peter S. Kosinski, Deputy Executive Director of the New York State Board of Elections, appointed a task force to advise in the development of the State Plan, designated the Help America Vote Act State Implementation Plan Task Force (Task Force). The group included persons who provided expertise and meaningful input to the formation of the Plan, as well as representatives of groups mandated by HAVA.

Representatives of various government groups were appointed, including the Governor's Office; the New York State Senate and Assembly; the New York State Department of Motor Vehicles; New York State Office for Technology; the Secretary of State's Office and the Division of the Budget. The Secretary of State's Office and the Division of the Budget assisted with local government interaction issues and budgetary concerns, respectively.

Also mandated by HAVA and included on the Task Force, were representatives from the boards of elections of the two largest jurisdictions in the state, New York City and Suffolk County. Representatives from two upstate county boards of elections and an official representing county government also served as Task Force members.

In light of the provisions of HAVA concerning persons with disabilities, a representative of disability groups, as well as New York's Advocate for Persons with Disabilities, were appointed. A representative of each of the major state political parties and the New York State League of Women Voters also served on the panel.

The Chief State Election Official designated a portion of the State Board of Election's website at www.elections.state.ny.us as a place for the public to view the Task Force's composition, meeting schedule, minutes of meetings, and back-up resource for the State Plan.

The Task Force held open, public meetings on February 26, March 5, 12, 19, and 26, 2003 and advised and provided feedback to the Chief Election Official on elements for the State Plan.

2009 TASK FORCE

Pursuant to Section 253 and 255, on March 13, 2009, the Chief State Election Official, Stanley L. Zalen, Co-Executive Director of the New York State Board of Elections, appointed a new task force to advise in the development of the amended State Plan, designated the Help America Vote Act Task Force (Task Force). The group included persons who provided expertise and meaningful input to the formation of the Plan, as well as representatives of groups mandated by HAVA.

Representatives of the New York State Senate and Assembly were appointed, along with the Executive Director and a Commissioner from the boards of elections of the two largest

jurisdictions in the state, New York City and Suffolk County, as mandated by HAVA. Also mandated by HAVA were commissioners appointed to the Task Force from two upstate county boards of elections, as well as a third upstate county board of elections commissioner who was appointed as a representative of the New York State Senate Minority.

In light of the provisions of HAVA concerning persons with disabilities, three representatives of disability groups were appointed. A representative of each of the two major state political parties also served on the panel.

In addition, six members were appointed from public interest organizations, which added important and necessary insights from members of minority groups and other diverse entities.

The Chief State Election Official designated a portion of the State Board of Election's website at www.elections.state.ny.us as a place for the public to view the Task Force's composition, meeting schedule, minutes of meetings, and back-up resource for the State Plan.

The Task Force held open, public meetings on April 3, 14 and May 13, 2009 and advised and provided feedback to the Chief Election Official on elements for the State Plan.

Composition of Task Force

Member	Organization
Aimee Allaud	League of Women Voters of New York State
Steven Carbó	Demōs
Thomas Ferrarese	Commissioner of Monroe County Board of Elections
Margaret Fung	Asian American Legal Defense and Education Fund
Ronald Hayduk	Associate Professor of Political Science, Borough of Manhattan Community College, CUNY
Christopher Hilderbrant	Center for Disability Rights
Anita S. Katz	Commissioner of the Suffolk County Board of Elections
Helen M. Kiggins	Commissioner of the Onondaga County Board of Elections
June O'Neill	New York State Democratic Party
David Previte	New York State Republican Party
Neal Rosenstein	New York Public Interest Research Group
Sharon Shapiro	Jewish Disability Empowerment Center, Inc.

Esmeralda Simmons	Center for Law & Social Justice – Medgar Evers College
Brad Williams	New York State Independent Living Council
Kathleen O'Keefe	New York State Assembly
Senator Joseph Addabbo, Jr.	New York State Senate
Joan Silvestri	New York State Senate

The Drafting Committee did extensive research and utilized a variety of resources from inside and outside the agency to create the plan.

The Drafting Committee was composed of:

Stanley L. Zalen, Chief Election Officer and Co-Executive Director
Todd D. Valentine, Co- Executive Director, NYSBOE
Robert A.Brehm, Deputy Public Information Officer
Paul M. Collins, First Deputy Counsel
George Stanton, Director of Information Technology
Anna E. Svizzero, Director of Election Operations
Elizabeth C. Hogan, Enforcement Counsel
Patrick P. Campion – Special Projects Coordinator
Gregory Fiozzo, Special Projects Coordinator
Donna S. Mullahey – Secretary to Co-Executive Director

Section 14(a): Task Force Comments

The individuals who served on the newly-constituted HAVA Task Force are to be commended and thanked for their contribution to the amendment of this Plan. A number of their comments and suggestions have been incorporated into this Plan, and certain other of their proposals were not. In instances where they were not adopted, it was determined that the proposals concerned themselves with amending the New York State Constitution, amending the New York State Election Law, and/or the creation of new policies, none of which fall under the purview of this Plan or this committee.

Issues raised by Task Force members which were not included in this amended Plan are summarized herein:

- Change a voter's jurisdiction from 'county' to 'entire state' (requires constitutional and statutory changes)

- Reconsider existing ID verification requirements for first-time registrants (requires statutory change)
- Mandate boards of elections to utilize for voter registration purposes, information provided on affidavit ballots (requires statutory change)
- Incorporate NVRA statistical tracking and reporting in the NYSVoter registration list (SBOE already has a system in place to track this data and certain aspects of the tracking discussed by the Task Force is contrary to the source-related confidentiality requirements of the NVRA)
- Expand list of acceptable forms of identification (SBOE has already adopted a policy and includes in its statewide curriculum, examples of acceptable forms of identification)

Section 14(b): Comments from the General Public

To comply with Section 256 of the Help America Vote Act, New York State made a preliminary version of the proposed amended State Implementation Plan available for public inspection and comment on March 16, 2009. The Plan was made available through the State Board of Elections' web site. In addition, any written comments that were received were posted on the website along with copies of the minutes from Task Force meetings.

Task Force members participated in three meetings during April and May to review and update the proposed amended State Plan. Public comments were received at the beginning of each Task Force meeting to afford interested persons and groups an opportunity to present comments to the State's Chief Election Official, State HAVA Task Force members and staff of the State Board of Elections. Comments were also received by e-mail and regular mail. The public comment period extended to May 26, 2009. Each of the comments was thoroughly reviewed by the State and considered in the proposed amended State Plan.

The following is a list of the most common comments that were presented, followed by a response to each comment.

Public Comment:

The proposed amended Plan should provide for enhanced language accessibility, specifically towards the creation and use of alternative communications formats (Braille, large print, and closed captioning, etc.) for voter registration and voter information materials.

Response:

The State Legislature has appropriated $10 million from the HAVA Title II, Section 251 funds under Aid to Localities Budget for use by county boards of elections to develop and

implement poll worker training and voter education programs. Further, the State Legislature has appropriated over $3.5 million from the HAVA Title II, Section 261 HHS grant program under the Aid to Localities Budget for use by county boards of elections to expand and improve access to and participation by individuals will a full range of disabilities in the election process.

The proposed amended State Plan has been updated to more clearly indicate the State's goal to provide language access that is in compliance with Section 203 of the Voting Rights Act of 1965.

Public Comment:

The Plan should include implementation of a training program for poll workers and election officials relative to persons with disabilities that includes direct hands-on training for each inspector in the set-up and operation of new voting systems, including ballot marking devices; enhancement of the poll inspector training material; and organizations and groups familiar with new voting systems and disability should be directly involved in the development and implementation of poll worker training and voter education programs and be able to directly receive HAVA funds for such service assistance.

Response:

The proposed amended State Plan has been updated to more clearly indicate the State's goal that the $10 million Aid to Localities Budget appropriation by the State Legislature from HAVA Title II, Section 251 funds be utilized by county boards of elections to develop and implement education and essential hands-on training programs to train voters, poll workers and election officials in the use of new voting systems.

County Boards of Elections continue to be encouraged to include disability service providers and/or organizations serving language minorities in the development and delivery of training programs to ensure poll workers understand how to assist voters with disabilities, operation and use of voting systems including Ballot Marking Devices, polling place accessibility, the poll site surveying process, how to assist voters requiring language assistance and to support reimbursement for those services wherever possible.

COMMONWEALTH OF MASSACHUSETTS

Presented by William Francis Galvin
Secretary of the Commonwealth

AMENDED STATE PLAN

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INTRODUCTION

The Help America Vote Act of 2002

The Help America Vote Act (HAVA) was signed by President Bush in October 2002 in an effort to improve voting across the country and in response to the problems that arose in the 2000 presidential elections. (42 U.S.C. § 15301 *et seq.*). This federal legislation made changes in the election process and applies to all federal elections in the United States. The most significant areas impacted by the legislation include voting equipment standards, including accessibility, provisional voting, voter registration, and voting, including voter education.

HAVA originally provided federal funding to meet the new requirements but the availability of the money was, however, dependent upon federal appropriations and certain additional federal funding is dependent upon the appropriation of matching state funds. There are two types of funding that Massachusetts was eligible to receive during FY 2003—Title I and Title II funding.

The first type of funding, under Title I, has two components—Section 101 and Section 102 funding. The first component under Section 101 provided $325 million in funding for complying with the requirements of Title III.[1] The requirements under Title III include improving election administration, educating voters, training election officials and poll workers, developing the state plan for implementing HAVA, improving voting systems, and improving polling place accessibility. Massachusetts' share of the Section 101 funding was $6,590,381.

The funding available under Section 102 was used to replace lever machines and data-vote voting equipment as well as for acquiring accessible voting equipment.[2] The amount that Massachusetts was eligible to receive was based on the number of precincts that used lever and data-vote machines at the 2000 elections. Although HAVA authorized an appropriation of $4,000 per precinct to replace lever and data-vote equipment, given the amount actually appropriated, this amount was reduced to $3,192.22 per precinct. Massachusetts' share of the Section 102 funding was $1,519,497.

The second type of funding--Title II funding--is to be used for continued implementation of the requirements of the act including poll worker training, providing voter education and improving the administration of federal elections.[3] This type of funding requires each state to provide matching funds, in the amount of 5 %, to those funds supplied by the federal government.

In order to receive funds under this provision in 2003, Massachusetts was required to submit a plan setting forth how it intended to comply with the act and needed to contribute $3.45 million in matching state funds.[4] In 2003, Massachusetts submitted a state plan (hereinafter referred to as the "Plan")

pursuant to this requirement (Title II). The Plan was developed in an open manner and subject to public notice and comment by the State Steering Committee, which was comprised of state and local election officials as well as other special interest groups.[5] As result, Massachusetts received federal funding.

As we are seeking additional funding which is now available (appropriated in FY 2008 and FY 2009), we must amend the state plan to include how the new funds will be spent and indicate the matching funds.

As with the original state plan, the amended state plan must be submitted to the Election Assistance Commission (EAC).[6] As with the original plan, the amended plan must include the following provisions:

- How the requirements payment will be used;
- How the state will distribute and monitor the distribution of the payment to municipalities or "other entities" within the state (including the criteria for their eligibility for the funding);
- How the state will provide voter education and poll worker training;
- How the state will adopt voting system guidelines which are consistent with federal requirements;
- How the state will establish the funds to accept the federal dollars;
- What the state's budget is for activities;
- How the state will maintain their expenditure level so that it is not less than the expenditure level of the fiscal year ending prior to November 2000;
- How the state will measure performance to determine success for the state and for the local government in carrying out the plan such as timetables and outlining responsibilities;
- A description of the uniform, non-discriminatory state-based administrative procedure;
- If the state received the "early out money" to replace voting equipment, information on how it was used and the impact on the plan;
- How the state will conduct ongoing management of the plan;
- If applicable, any changes from the previous fiscal year's plan and a report on the success of the previous year's plan;
- A description of the committee who helped develop the state plan.

After public inspection, the Amended Plan must be published in the Federal Register.

AN OVERVIEW OF ELECTIONS IN MASSACHUSETTS

In Massachusetts, the Secretary of the Commonwealth is the Chief Election Officer. As such, the Secretary's duties include the administration of federal and state elections, receiving nomination papers, printing ballots and tabulating election returns for federal and state elections as well as certification of voting equipment.

Federal and state elections are conducted at the municipal level. There are 351 municipalities within Massachusetts that each conducts elections. For towns, the local official responsible for conducting elections is the town clerk, and for cities, the city clerk or an election commissioner, as the responsible official, generally conducts elections.[7]

Each municipality is responsible for designating polling places, appointing and training poll workers, conducting voter registration sessions, and maintaining voter lists as well as management of elections themselves.[8]

Elections in Massachusetts are conducted in accordance with applicable federal law, the Massachusetts Constitution, the Massachusetts General Laws and the Code of Massachusetts Regulations. There is also a significant volume of case law relative to the election process in Massachusetts.

The Help America Vote Act has provided Massachusetts with an opportunity to make significant improvements in the electoral process.

PREPARATION OF ORIGINAL STATE PLAN AND AMENDED STATE PLAN

The Secretary appointed a State Steering Committee to develop the original Plan. The State Steering Committee was comprised of local election officials, representatives from the disability community, elected officials, and public interest groups. A listing of the Steering Committee members can be found at Attachment A. The Steering Committee held five (5) meetings.

The Steering Committee determined certain priorities to be addressed in the plan:

1. Purchase and implementation of new voting equipment in those municipalities that are currently using lever machines or datavote and reimbursements to those municipalities that have replaced lever machines and datavote systems since November of 2000.

2. Provide increased access to the elections process for people with disabilities through the use of specially designed Direct Recording Electronic (DRE) voting systems, improvements to facilities, training of elections staff, and enhanced public outreach.[9]

3. Modify the Central Voter Registry, the statewide database of registered voters, to comply with new requirements of HAVA.

4. Implement a comprehensive voter education program that informs voters about how to correct their ballots and how to request replacement ballots.

5. Implement a toll-free line that allows voters to check the status of their provisional ballots and determine whether or not their ballot was counted.

6. Train elections officials in Title III requirements of the Act.

The Steering Committee formed three sub-committees: Voter Identification and Provisional Voting, Voting Equipment and Accessibility, and Training and Education. Each of the sub-committees held public hearings at various locations around the state seeking public comment.

While HAVA provides increased responsibility for elections administration at the state level to achieve greater uniformity and consistency, municipal election officials are charged with the conduct of elections and are crucial to all aspects of the elections process. As Massachusetts continues to conform to HAVA requirements and standards, the Secretary will continue to work with the members of the Steering Committee, especially those local election officials, in the development of new procedures and technology to ensure compliance with HAVA.

This Amended Plan was developed in consultation with members of the Steering Committee.

The original Plan represented the Commonwealth's initial response to the requirements of HAVA. This Amended Plan addresses the progress made under HAVA since its original implementation as well as continued efforts and future goals.

Each Element in the following pages contains the language of the original Plan with a new section under each identifying successes within the Plan and, where applicable, how new funding affects the Element.

ELEMENTS OF THE STATE PLAN

For each element required of the state plan, there is a summary of the HAVA requirements and then the Massachusetts response to those requirements.

ELEMENT 1:

How the Commonwealth will use the requirements payment to meet the requirements of Title III and if applicable, under Section 251(a)(2) to carry out other activities to improve the administration of elections (Sec. 254, (a)(1).[10]

Within Title III, there are three sections: Section 301—Voting system standards; Section 302—Provisional balloting; and Section 303—Statewide list of registered voters and requirements when registering by mail. Within each of those sections are various subsections. The information being provided for Element One will follow the structure of Title III.

Voting System Standards—Section 301

HAVA requires that each voting system used in a federal election on or after January 1, 2006, meet each of the following requirements:

(1) Balloting errors:

(a) Voter verification of ballot selections (and correction)

The voting system must:

(i) permit the voter to verify privately and independently the votes selected before casting a ballot;

(ii) permit the voter privately and independently to change or correct a ballot before it is cast (including receiving a replacement ballot).

(Note that the requirement that a voting system permit the voter to verify the votes selected before casting a ballot may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the new requirements of HAVA.)

(b) Voter notice on overvoting (and correction)

The voting system must:

(i) notify the voter of an overvote (casting votes for more candidates than allowed);

(ii) notify the voter of the effect of overvoting (i.e. the vote for that office will not be counted);

(iii) provide the voter with the opportunity to correct the ballot, if he or she has overvoted.

(c) Paper-based voting systems compliance

Paper-based voting systems (including absentee balloting systems) may meet the above requirements with:

(i) voting-system specific voter education programs notifying the voter of the effect of overvoting;

(ii) instructions on how to correct a ballot before it is cast (including instructions on obtaining a replacement ballot);

(iii) system designs that preserve voter confidentiality.

(2) Voting system audit requirements:

The voting system must:

(a) produce a record with an audit capacity (The paper record produced shall be available as an official record for purposes of a recount.);

(b) produce a permanent paper record with a manual audit capacity;

(c) allow the voter to correct any error before the permanent paper record is produced.

(3) Accessibility for individuals with disabilities:

The voting system must:

(a) be accessible to voters with disabilities, including voters with visual impairment, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

(The above requirement is met by providing at least one DRE voting unit, or other voting system equipped for individuals with disabilities at each polling place.)

(All voting systems purchased with Title II funding after January 1, 2007, shall comply with these requirements.)

(4) Alternative language accessibility:

The voting system must:

(a) meet all requirements of alternative language access of Section 203 of the Voting Rights Act of 1965 (42 USC 1973aa-1a).

(5) Error Rates:

The voting system must:

(a) meet FEC guidelines (Section 3.2.1) for voting system error rates (errors attributable only to system errors, and not an act of the voter) in effect at the time of HAVA's enactment (October 29, 2002).

(6) Definition of Vote:

Each state shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

PROPOSED ACTION FOR HAVA COMPLIANCE WITH VOTING SYSTEMS STANDARDS:

To comply with HAVA, the Secretary intends, through the regulatory, legislative, voting system certification and decertification processes, or otherwise, to replace voting systems that do not comply with the new standards. As of November 2000, 434 precincts used lever voting machines and 42 precincts used data-vote voting systems. No precincts used punchcard voting systems.[11] As of November 2002, 392 precincts used lever machines and 11 precincts used data-vote voting systems. Pursuant to HAVA, the Secretary will seek replacement of these systems.

As of November 2002, 1665 precincts used optical scanning systems—1042 precincts used Accu-Vote, 176 precincts used Optech, and 447 precincts used Optech Eagle. Additionally, in November 2002, 90 precincts used paper ballots. HAVA does not mandate the discontinuation of such systems, but instead, certain additional steps will be required, including voter education.

However, those municipalities that continue to use either paper ballots or optical scanning voting systems will still be required to provide at least one accessible unit per polling location by 2006.[12]

In an effort to retain the integrity of the voting process, increase the opportunity for all eligible citizens to participate in that process, and to comply with HAVA, the Commonwealth, under the direction of the Secretary of the Commonwealth, as Chief Elections Officer, will, in part:

(a) support, promote and encourage the use of direct recording electronic (DRE/touchscreen) voting systems, at polling places in Massachusetts;
(b) expeditiously certify new DRE voting systems that are compliant with state and federal laws;
(c) through existing state law, which authorizes the Secretary to certify and decertify voting systems, develop voting system standards and system audit requirements as required in HAVA and institute an ongoing process to manage changes to these standards and ensure uniform application of the standards for each voting system including those requirements for "second chance voting";[13]
(d) develop voting system standards requiring, as part of certification process, that the system demonstrate the ability to support a representative set of possible future ballot procedure changes, including instant runoff voting, as feasible, with an upgrade cost that is substantially less than the cost of complete system replacement;
(e) develop and distribute voter education materials as appropriate to meet the requirements of Section 301(a)(1)(B) of HAVA;
(f) with the assistance of the disability community, ensure compliance with the accessibility requirements for individuals with disabilities, including ensuring that at least one DRE/touchscreen voting system is used in each Massachusetts polling place pursuant to Section 301(a)(3)(B) and, with respect to in-person voting, that the voting system itself be located in a polling place that is accessible to voters with disabilities. Compliance efforts shall include monitoring polling places to determine accessibility and education of elections officials, poll workers, and voters with respect to the rights of all voters, including voters with disabilities;
(g) continue to ensure that all voting systems provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965;[14]
(h) regularly evaluate voting systems to assess error rates, reliability and accuracy factors, accessibility to voters with disabilities, language assistance needs and literacy needs, and ability to accommodate alternative voting systems; work with local elections officials to share information and make improvements;
(i) develop, by regulation and/or by statute, a uniform and nondiscriminatory definition of what constitutes a vote and what will be counted for each voting system.

The Secretary intends to leave decisions regarding specific replacement of voting equipment to each municipality, so long as such decisions are consistent with the requirements of HAVA and applicable state laws and regulations. The Secretary will work with municipalities to provide reimbursement for procuring upgraded voting equipment as well as the purchase or lease of accessible equipment prior to the 2006 HAVA deadline.

UPDATE:

Before the 2004 State Primary, all lever machines and data-vote voting systems were replaced with paper-based optical scan voting systems. The Secretary will continue to work with vendors of voting equipment to certify equipment meeting the federal standards.

The FY 2008 and FY 2009 funding that is available to Massachusetts ($2,558,325 and $2,224,631) will be used to assist municipalities in procuring new voting equipment by offering some reimbursement for purchases of new equipment. The amount of reimbursement is still being determined. Some municipalities are using optical scan voting equipment that will no longer be serviced by the manufacturer and/or vendor. Additionally, the remainder of those municipalities using optical scan voting equipment will likely be in a similar position in the near future and have recently received notice that the memory cards used by the system are no longer being manufactured. As new equipment is certified by the EAC, we have been informed that any equipment currently offered by the same vendor will stop being manufactured and therefore need replacement.

We will be surveying each local election official currently using optical scan voting equipment in order to better assess their needs. Accordingly, the FY 2008 and FY 2009 funding will be dedicated to assisting municipalities in procuring new voting equipment, voting technologies, including development of a statewide contract to provide guaranteed pricing for equipment and related services.

Secretary Galvin chose the AutoMark Voter Assist Terminal as the accessible equipment in Massachusetts and purchased, using HAVA funds, at least one unit for each polling place. Before making this purchase, the Secretary conducted voting equipment vendor fairs to provide the public and local election officials with an opportunity to view and use accessible voting equipment. Specifically, during the week of March 14, 2005, the Secretary conducted a series of voting equipment vendor fairs. Seven fairs were held across Massachusetts. At the first four (4) events, five (5) vendors were in attendance with seven (7) pieces of equipment. For the remainder of the events, at least two (2) vendors wee in attendance. The Secretary invited Disability Commissioners from each city and town as well as other members of the disability community, including persons from independent living centers and other organizations

representing persons with disabilities as well as local election officials. The vendor fairs enabled individuals with disabilities to observe and use voting equipment that has been designed to enable private and independent participation in the voting process.

The comments received from the fairs were used to develop a statewide Request for Response for Accessible Voting Equipment, which was issued on July 18, 2005 and responses due on August 15, 2005. As part of the RFR process, the vendors gave an office demonstration for their equipment. Thereafter, three finalists were selected and their equipment leased for the 2006 State Election as a field-test.

Based on a survey conducted after the 2006 State Election and the Responses, the Secretary contracted with Election Systems and Software to purchase accessible voting equipment. The equipment was deployed in 2007, including providing training to election officials and outreach to voters. The equipment was used at local municipal elections and special state primaries and elections, including the special election in the 5th congressional district, throughout Massachusetts in 2007. Training and outreach continued during 2008 for the Presidential Primary, State Primary and State Election. We are happy to report successful implementation of accessible voting equipment.

The accessible voting equipment has also been beneficial to the language minority community. Six (6) jurisdictions in Massachusetts are covered for Spanish under Section 203 of the Voting Rights Act.[15] In addition to having ballots and election materials printed in Spanish, the AutoMark Voter Assist Terminals allowed voters in those jurisdictions to have an audio version of their ballot in Spanish.[16]

Provisional Voting and Voting Information Requirements

Section 302(a) of HAVA requires that "provisional voting" be permitted in federal elections on or after January 1, 2004. Under HAVA, if a voter's name does not appear on the official list, or the elections official asserts the voter is ineligible, the voter is entitled to cast a provisional ballot as follows:

(a) Elections officials at polling place notify voters of the provisional ballot option;

(b) Voter executes written affirmation stating:

He or she is a registered voter in the jurisdiction; and
He or she is eligible to vote;

(c) The voted ballot or written affirmation information is promptly transmitted to appropriate state or local elections official for verification;

(d) If the information is verified, the ballot shall be counted;

(e) At the time the voter casts the ballot, the voter shall be provided with information about the existence of a free access system (e.g. secure, confidential telephonic or Internet-based system) that restricts access to information on individual ballots, so that only the voter who casts the ballot may determine her or his individual ballot status;

(f) State or local officials shall establish the free access system.

HAVA also requires (Section 302(c)) that voters who cast ballots after the normal poll closing as a result of a Federal or state order, vote by provisional ballot that is segregated from regular provisional ballots.

Further, Section 302(b) requires that, with respect to federal elections held on or after January 1, 2004, elections officials post specified voting information at each polling place on Election Day, including:

(a) a sample ballot for that election;

(b) the election date and polling place hours;

(c) voting instructions, including provisional voting instructions;

(d) mail-in registrant and first-time voter instructions;

(e) general voting rights information, including the right to cast a provisional ballot and instructions on how to contact appropriate officials regarding allegations of violations;

(f) general information on legal prohibitions on fraud and misrepresentation.

PROPOSED ACTION FOR HAVA COMPLIANCE WITH PROVISIONAL BALLOT AND VOTING INFORMATION REQUIREMENTS

Provisional Voting

Prior to the passage of HAVA, Massachusetts offered a type of provisional balloting known as escrow ballots.[17] Escrow ballots were offered to persons whose names did not appear on the list of registered voters, or in a primary, to those persons who claimed a listing error (wrong party). Escrow ballots were reviewed only if they could possibly make a difference in the outcome of an election. If there were a sufficient number of escrow ballots to make a difference in the outcome of an election, a hearing was held to determine whether the ballot should or should not be counted.

The escrow balloting procedure did not meet the requirements of provisional voting under Section 302 of HAVA. The Secretary, in consultation with local election officials and other interested persons, intends to:

(a) develop uniform information and procedures on provisional voting, and voting generally, as required by HAVA, and take steps to ensure that elections officials, poll workers and voters thoroughly understand provisional ballot rights and procedures;
(b) to the extent permitted by law, develop procedures allowing voters to cast a provisional ballot at the polling place upon signing a statement affirming the required information, without providing additional identifying documents;
(c) to the extent permitted by law, develop procedures whereby the information obtained to acquire a provisional ballot is sufficient to register the applicant to vote, if otherwise eligible, in future elections should it be determined that the person is not eligible to vote in the precinct for which the provisional ballot is sought or cast;
(d) develop procedures whereby a provisional ballot is counted provided that there is compliance with the verification procedures set forth in Massachusetts General Laws and regulations;
(e) consider sponsoring legislation amending the Massachusetts General Laws whereby a person's provisional ballot is counted with respect to those candidates and measures for which the person is entitled to vote even if the provisional ballot is cast in the incorrect precinct;
(f) create, or oversee the creation of, in conjunction with local elections officials, a secure and confidential free access system for a provisional voter to determine if his or her vote was counted, and, if it was not counted, the reason it was not counted **or** develop procedures whereby every person who casts a provisional ballot is notified as to the status of that ballot in terms of whether it was counted or not counted, and if not counted, why it was not counted;
(g) develop procedures for complying with the requirements that ballots cast after the close of the polls pursuant to a court order be provisional and be segregated;
(h) ensure compliance with Section 203 of the Voting Rights Act (42 U.S.C. § 1973aa-1a).

UPDATE

In 2004, state law was amended to remove references to escrow ballots and create a process for provisional ballots. Chapter 334 of the Acts of 2004 created Massachusetts General Laws chapter 54, section 76C, which meets the requirements of HAVA relative to provisional voting. At every election in Massachusetts since 2004, provisional ballots have been made available to persons claiming the right to vote whose names do not appear on the voting list. Additionally, the Secretary's Office has provided forms for local election officials to use in the provisional voting process, developed training materials and

provided training to local election officials and poll workers. The Secretary's office also provides the toll-free number (1-800-462-8683), which appears on the forms provided to provisional voters, that voters can call to determine whether their provisional ballot was counted.

Voting Information

The Secretary has always provided local election officials with posters containing instructions on voting and penalties for voting offenses, which are required to be posted in each polling location. Also, "specimen ballots" are produced and required to be posted at each polling location.[18]

Additionally, the Secretary publishes and sends certain voting information to each household containing a registered voter.[19] This information is published in the "Information for Voters" booklet and is distributed before every state election. The booklet is also available on our website.[20] The booklet is published in English and Spanish and a large print and audio version are available.

To comply with HAVA, the Secretary will work with local election officials to make any necessary revisions to voting materials to ensure voters have proper instructions on:

- the date of the election
- the deadline for registering to vote
- due date/time of absentee ballots
- the hours and locations of polling places
- the location and address of local elections offices
- instructions on how to vote a ballot including how to use the voting equipment
- instructions on how to request a replacement ballot or provisional ballot and how to check the status of a provisional ballot
- instructions for first-time voters and identification requirements
- information on voting rights and what to do if these rights are alleged to have been violated
- general information on federal and state election laws regarding fraud and misrepresentation.

The Secretary intends to work with the disability community to develop alternative methods and standards for conveying this information at the polls to disabled individuals.

UPDATE

To ensure that the HAVA requirements are met, the Secretary has added information to the penalty and instruction cards already provided. Specifically, the information within the penalty cards has been updated to include federal law violations

in accordance with HAVA. The instruction cards have been updated to include information for first-time voters who may be required to show identification as well as on provisional voting in addition to the information already contained therein regarding how to mark your ballot and use voting equipment and to request a new ballot. Additionally, a Voter Bill of Rights was added to the information provided to local election officials for posting within the polling place.

As part of our ongoing voter education efforts, the Secretary has included HAVA related information in the Information for Voters Booklet, which is sent to each household in Massachusetts. This information includes, but is not limited to, the date of the election, polling hours, how to register to vote, how to apply for an absentee ballot, how to determine your polling place, the availability of accessible voting equipment and also contained a mail-in voter registration form to register to vote.

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

Section 303 of HAVA requires that the Secretary of State, as Chief Elections Officer, implement, in a uniform and nondiscriminatory manner, by January 1, 2004, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each such voter.

(1) The computerized list shall:
- (a) be the official voter registration list for federal elections;
- (b) serve as the single system for storing and managing the official list;
- (c) contain the name and registration information of every registered voter;
- (d) contain a unique identifier (DL#, partial SS#, or assigned number) for each voter;
- (e) be coordinated with other state databases (Corrections, Health Services, DMV, other state social service agencies and Social Security);
- (f) provide immediate, electronic access to any election officials in the state;
- (g) allow for electronically entering data by any local election officials on an expedited basis;
- (h) be supported by the State.

(2) Maintenance of the official list shall be performed on a regular basis as follows:
- (a) voters names shall be removed in accordance with NVRA (42 U.S.C. § 1973gg, Section 8, (a)(4), (c)(2), (d) and (e);

(b) ineligible voters shall be removed in accordance with NVRA for felony status (42 U.S.C. § 1973gg, 6(a)(3)(B)); for death (6(a)(4)(A)); or in accordance with state law;
(c) each registered voter's name shall appear on the list;
(d) only ineligible voters or voters not registered shall be removed from the list;
(e) duplicate names shall be removed from the list;
(f) other reasonable efforts to remove ineligible voters, consistent with the NVRA (42 U.S.C. § 1973gg, et. seq.) that ensure eligible voters are not removed in error, including removing registrants who have not responded to a notice and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant shall be removed solely by reason of failure to vote.

Section 303(a)(5)(A)(i), requires applicants to provide certain information which must be verified for their voter registration to be processed. Specifically, an application for voter registration for a federal election may not be accepted or processed unless it includes:

(i) the driver's license number of an applicant who has been issued a current, valid driver's license; or, if a valid driver's license has not been issued;
(ii) the last four digits of an applicant's social security number.

However, if an applicant has not been issued a current, valid driver's license or a social security number, then:

(i) The State shall issue a unique identifying number.

To the extent the State has a computerized list, this unique identifying number shall be the number assigned to the applicant for purposes of the computerized list.

The State shall determine whether the information provided by the applicant (driver's license number or partial social security number (the last four digits)) is sufficient to meet the requirements of HAVA. [21]

The Secretary shall enter into a cooperative agreement with the Department of Motor Vehicles, and the Department of Motor Vehicles shall enter into an agreement with the Commissioner of Social Security, to verify the accuracy of the information provided by the voter registration applicant, specifically:

(a) the applicant's name (first name and forename or surname);
(b) the applicant's date of birth;
(c) the applicant's social security number;
(d) whether such records show the applicant is deceased.

(Nothing shall be construed to require provision of applicable information under exceptional circumstances (e.g. personal safety or interference with an investigation).)

Beginning January 1, 2004, each State must, in a uniform and nondiscriminatory manner, require proof of residence from a registered voter for purposes of casting a ballot in a federal election, if the voter: (a) registered to vote in a jurisdiction by mail on or after January 1, 2003, **and** (b) has not previously voted in an election for federal office in the State, or voted in a jurisdiction and the jurisdiction is located in a State that does not have a HAVA-compliant statewide voter registration computerized list.

If the voter meets these conditions, and he or she **votes in person** (at a polling location), the voter shall, in order to vote, present to the appropriate elections official:

i. a current and valid photo identification, **or**
ii. a copy of one of the following that shows the name and address of the voter:
    (i) a current utility bill;
    (ii) a bank statement;
    (iii) a government check;
    (iv) a government paycheck;
    (v) a government document.

If the voter meets these conditions, and he or she **votes by mail** (absentee ballot), the voter shall, in order to vote, submit with his or her ballot to the appropriate elections official a copy of one of the following that shows the name and address of the voter:

(a) a current and valid photo identification, **or**
(b) a copy of one of the following that shows the name and address of the voter:
    (i) a current utility bill;
    (ii) a bank statement;
    (iii) a government check;
    (iv) a government paycheck;
    (v) a government document.

Any voter subject to these requirements who votes in person and who does not provide proof of residence as required shall be provided a provisional ballot.

Any voter subject to these requirements who votes by mail (absentee ballot) and who does not provide proof of residence as required shall have their ballot treated as a provisional ballot.

There are certain exceptions to this provision. Specifically, the identification requirements for first-time voters do not apply when:

(1) The voter registers under Section 6 of the NVRA (42 U.S.C. § 1973gg—4) and submits as part of the voter registration a copy of:

(a) a current and valid photo identification, **or**;

(b) a copy of one of the following showing the name and address of the voter:

(i) a current utility bill;
(ii) a bank statement;
(iii) a government check;
(iv) a government paycheck;
(v) a government document.

(2) The voter registers under Section 6 of the NVRA (42 U.S.C. § 1973gg—4) and submits as part of the registration (subject to state verification of the information, including the applicant's name and birth date):

(a) a driver's license number, **or**

(b) at least the last four digits of their social security number.

(3) The voter is entitled to vote by absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff—1 et seq.).

(4) The voter is entitled to vote other than in person by Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee—1).

(5) The voter is entitled under federal law to vote other than in person.

HAVA also requires changes to mail-in voter registration forms. Mail-in voter registration forms developed under Section 6 of the NVRA (42 U.S.C. § 1973gg—4) must include the questions:

(1) Are you a citizen of the United States of America? (and)
(2) Will you be 18 years of age on or before election day?

The forms must also contain the statement: "If you checked "no" in response to either of these questions, do not complete this form."

New voter registration forms must request the applicant's drivers license number or last four digits of their social security number and must contain a statement informing the applicant that if the form is submitted by mail and the voter is registering for the first time, that additional information (a copy of documents for proof of residence; or a driver's license number or partial social security number) must be provided to avoid additional proof of residence requirements at the time of voting.

If an applicant fails to answer the question: "Are you a citizen of the United States of America?" the registrar shall notify the applicant of the failure to complete the form and provide an opportunity to the applicant to complete the form in a timely manner.

PROPOSED ACTION FOR HAVA COMPLIANCE WITH STATEWIDE DATABASE REQUIREMENT AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL:

Central Voter Registry of Massachusetts

As part of the implementation of the National Voter Registration Act of 1993 (Motor Voter), Massachusetts developed the Voter Registration Information System (VRIS).[22] The VRIS is a statewide database that contains the name and address of every registered voter in Massachusetts. The system connects 350[23] municipalities and the Registry of Motor Vehicles. The VRIS is a closed system that does not provide for Internet or outside access. Each municipality is responsible for updating and maintaining information relative to registered voters in their municipality. [24]

The processing of voter registrations using the VRIS system allows for the detection of duplicates and allows for municipalities to communicate information electronically such as deletion of a voter in one municipality when they register in another.

The Secretary maintains a Help Desk to provide support for the system. The Help Desk runs periodic reviews of the system for possible duplicates not detected at the time of registration. The Help Desk also works with the Department of Public Health to obtain reported death information that is communicated to the local election officials.

The Voter Registration Information System:

- ✓ Is a secure statewide voter registration database that is a single, uniform, centralized, interactive system that is defined, maintained, and administered at the state level;
- ✓ Provides local elections officials with immediate access to the voter registration information;
- ✓ Serves as the official voter registration list for federal elections;
- ✓ Assigns every voter a unique identifier (voter identification number);
- ✓ Coordinates with the Department of Public Health to obtain death information;
- ✓ Provides for the removal of individuals who are clearly ineligible to vote, in accordance with all state and federal laws, while ensuring that eligible voters are not erroneously removed from the registration list;

- ✓ Provides a mechanism to notify an individual with respect to changes in status or failure in registration, or proposed purging of the individual from the database as an eligible voter and affording the individual a reasonable opportunity to present clarifying or correcting information.

The Secretary currently provides ongoing technical assistance to local elections officials regarding the VRIS and ensures that the database and the information contained therein are not subject to improper use.

To comply with HAVA, certain changes to the VRIS will be necessary. Those changes include modifications to allow the system to interface with other state agencies to coordinate records and to communicate with the Registry of Motor Vehicles to verify driver's license and social security number information.

The Secretary has already begun discussions with the Registry of Motor Vehicles to determine what modifications are necessary to both computer networks so that information can be verified in a timely manner. The discussions have included what information will be verified.

In complying with the requirements of HAVA, the Secretary will, in part:

(a) Consider whether an applicant's state identification card number issued by the Massachusetts Registry of Motor Vehicles is sufficient to meet the requirements of a driver's license number;[25]

(b) To the extent permitted by law, establish a procedure for and rules requiring local elections officials to provide any person whose voter registration application is not accepted with written notice and an opportunity to correct errors or provide missing information;

(c) Clarify, in legislation or otherwise, to local elections officials, poll workers, and voters, which documents are valid for identification purposes under this section.[26]

UPDATE

The VRIS database has been modified to meet all HAVA requirements. VRIS has a real-time interface with the Registry of Motor Vehicles to verify voter information (driver's license or last four digits of social security number). If the identification number cannot be verified or is not provided (meaning the applicant stated they had none), VRIS prints an acknowledgement notice with clear instructions that such voters will need to present identification with a listing of valid identification.

Requirements for Voters Who Register by Mail

The Secretary will comply with HAVA's requirements with respect to special requirements for certain voters who register by mail. In implementing these provisions, the Secretary will, in part:

(a) Ensure that elections officials, poll workers and voters understand clearly which voters are subject to the identification requirements; understand the procedures for soliciting, reviewing and processing identification; and advise individuals of their right to cast a provisional ballot when appropriate;

(b) Determine whether to apply the identification requirements only to those who meet the specific criteria set forth in Section 303(b)(1), namely those who register by mail on or after January 1, 2003, **and** who have not previously voted in an election for federal office in the jurisdiction or to seek legislation to require all voters to present identification;

(c) Clarify for voters, local election officials, and poll workers, in a uniform and nondiscriminatory way, which forms of identification are acceptable to be used as valid identification as permitted under Section 303(b)(2)(A), construing such provisions of law broadly in permitting the use of the identification to satisfy the requirements of HAVA;

(d) Monitor the application of the identification provisions, including providing instruction on how to report alleged illegal application of identification requirements;

(e) Ensure compliance with Section 203 of the Voting Rights Act (42 U.S.C. § 1973aa-1a).

The Secretary will work with local election officials to determine the most practical application of the HAVA requirements.

UPDATE

The Secretary has provided significant training on the application of the identification provisions including written memorandum and instruction at meetings of local election officials. As previously mentioned, the requirements are also contained in the instruction cards provided to local election officials and in voter education materials sent to each household. Also, before the 2004 State Election, the Secretary sent postcards to each first-time voter who was required to show identification at that election and advertised the requirements in newspapers across the Commonwealth as well as on the radio and television. Similar advertising on the radio and television was also done before the 2008 State Election.

Mail-In Registration Form Requirements

The Secretary is working with local election officials to re-design the voter registration forms used in Massachusetts. Any new form will include the questions: "Are you a citizen of the United States of America?" and "Will you be 18 years of age or older on or before election day?". The new forms will also instruct the voter not to complete the form if they answered "no" in response to either of the questions. The new forms will be designed to instruct the voter to provide their driver's license number or, if they do not have a driver's license, to provide the last four digits of their social security number, and inform the voter that if they have neither, that they will be assigned a unique identifier.

The forms will also include information relative to identification requirements. For voters who do not submit identification with their registration, local election officials will take the following steps:

- Register the voter, inform the voter that their voter registration has been processed and request identification from the voter using a form letter which indicates that if they do not provide the identification before the next federal election, they will be required to present it at the polls on election day.
- If identification is not received prior to the next federal election, request identification at the polls on election day when the voter appears to vote.

UPDATE

After the enactment of HAVA, new voter registration forms were printed and provided to local election officials and agencies containing the two new questions required by HAVA as well as identification requirements of HAVA. The forms were re-designed to more accurately collect the information and provide the clearest instructions to applicants.

Use of Requirements Payment for Other Than Complying with Title III

Section 251(b) permits the use of requirements payments only for complying with Title III, EXCEPT that a State may use a requirements payment to carry out other activities to improve the administration of elections, if the state certifies that it has implemented the requirements of Title III **or** the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under Section 252(c) (1/2 of 1 percent of the total amount appropriated for requirements payments for the year).

PROPOSED ACTION FOR HAVA COMPLIANCE WITH USE OF REQUIREMENTS PAYMENT FOR OTHER THAN COMPLYING WITH TITLE III

The Secretary intends to, in consultation with local election officials and other interested persons, determine how any funds available pursuant to Section 251(b) should be spent in order to improve the administration of elections for federal office in the Commonwealth of Massachusetts.

UPDATE

At this point, the Secretary is continuing to use HAVA funding for complying with the requirements of Title III.

ELEMENT 2:

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

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

(b) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8) (Sec. 254, (a)(2)).

HAVA requires that payments available be used for the purposed described in Element One, or as otherwise authorized by HAVA. The Secretary of the Commonwealth, as Chief Elections Officer, is required to establish a procedure for distributing and monitoring payments to local governments and other entities. This procedure must be developed in consultation with local elections officials and other interested parties, and after considering any voluntary guidelines adopted by the Commission pursuant to Subtitle B of Title III.

To assist in this regard, the Secretary will work with the Steering Committee who will advise and make recommendations regarding the distribution of funds. After considering the advice and recommendations of the Steering Committee, the Secretary intends to:

(a) establish the procedure, including an application forms and process, for receiving funds;
(b) establish criteria for the distribution of funds, including identification of the types of individuals and entities eligible to receive funds;
(c) establish specific performance goals and measures to monitor the use of those funds, requiring periodic reports and accounting to the Secretary to ensure the funds are being spent in accordance with Title III and the application for funds, and to ensure that programs are meeting the performance goals and measures adopted by the Secretary;
(d) by general press release, by posting on the Internet, by communication to interested parties, and other appropriate methods, make the application for funds, the performance goals and measures, and other information regarding the procedure for the distribution of funds, publicly available.

As HAVA requirements result in significant changes on a municipal level, the Secretary will ensure that municipalities have an opportunity to seek funding to improve the election process. For funding to replace or obtain additional voting equipment, the Secretary intends to provide a reimbursement program. The municipality will be required to provide detailed information to the Secretary regarding the equipment as well as planned education for the new equipment.

The Secretary will also consider providing grant programs to other organizations for purposes of voter registration and voter education.

UPDATE

The Secretary provided municipalities that used lever voting machines or data-vote voting machines in the 2000 election with reimbursement for replacement. The reimbursement included a specific application process.

As we anticipate the need to replace additional equipment, the Secretary will again be providing assistance to municipalities. The formulation of amount of assistance and forms to be used to apply for assistance are being developed and will be done in coordination with the Steering Committee and local election officials.

ELEMENT 3:

How the state will provide for programs for voter education, election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III.

All participants in the elections process, including poll workers and voters, can benefit from instruction in elections law and procedure. The Secretary intends to provide programs for voter education, election official education and training and poll worker training. The Secretary intends to develop such programs in consultation with local election officials and other interested persons.

Election Official Education and Training and Poll Worker Training

As the chief elections officer of the state, it is the Secretary's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of State election laws. However, as previously indicated, elections in Massachusetts are administered by local election officials, who are responsible for appointing and training poll workers.

The Secretary currently works with the local election official's organization to coordinate training. Both the City and Town Clerks' Associations hold meetings three times a year. During those meetings, the Secretary often teaches classes on various topics relating to elections. Additionally, the Secretary's office is available to assist with poll worker training upon request.

The Massachusetts Town Clerks' Association has also developed an educational and certification program to establish minimum standards of knowledge of the Massachusetts General Laws and regulations relating to elections, and to enhance the professionalism of the position. To be awarded the designation of "Certified Massachusetts Municipal Clerk," participants are required to pass a written examination based on the contents of the education programs. The Town Clerks' Association also offers scholarships and encourages clerks to further their education by participating in the educational program sponsored by the New England Municipal Clerks Institute (NEMCI) that is held at Salve Regina University.

To ensure compliance with Title III of HAVA and improve the overall administration of elections the Secretary will work with local election officials to:

(1) Sponsor annual election administration workshops, and require local election officials to participate, using federal funds, if available;
(2) Continue to attend and participate in City and Town Clerk Association meetings to communicate concerns, practices, and information;
(3) Produce separate training presentations for election officials, staff, and board workers on specific election practices and procedures;
(4) Consider developing statewide training videos or PowerPoint presentations for poll workers, including special instructions for various positions such as warden and clerk;

(5) Conduct and videotape a statewide training session on the needs of voters with disabilities for all local elections officials;
(6) Consider establishing, in conjunction with local elections officials, an on-line, interactive training seminar to train, educate and certify elections officials and poll workers while ensuring that such seminar is accessible to the widest possible audience, including bilingual poll workers and poll workers with disabilities;
(7) Ensure that any training provided to poll workers cover at least the following topics:
    (a) the proper operation and maintenance of voting systems and technology;
    (b) the rights of voters to cast provisional ballots and the proper processing and counting of those ballots;
    (c) the non-discriminatory application of HAVA's identification requirements for certain voters who register by mail;
    (d) the rights of minority language voters in jurisdictions covered under Section 203 of the Voting Rights Act of 1965 to receive language assistance at the polling place.

UPDATE:

The Secretary has continued to work with local election officials to provide training including poll worker training. After the implementation of HAVA, the Secretary's Office conducted a series of regional trainings on the use and requirements of provisional voting and identification requirements for first time voters. The Secretary's Office continues to participate in meetings of the City and Town Clerks' Associations by teaching classes at each meeting. We also provide information via a broadcast e-mail system to all local election officials and are creating new training materials for them.

Voter Education and Outreach

The Secretary intends to embark on new voter education and outreach initiatives. Such programs will be designed after consultation with local election officials and other interested parties.

In the past, the Secretary has sponsored a grant program for voter registration organizations to conduct voter registration and promote voter education. The program was recently discontinued due to lack of funding. Using the monies from HAVA, the Secretary intends to reinstate the program.

Also, to meet the requirements of HAVA and to enhance the administration of elections, the Secretary intends to:

(1) establish an outreach and education program in the Office of the Secretary of State to educate local elections officials and voters, and to do the following:

(a) to assist in meeting the goals and requirements of Title III;
(b) to serve as a "clearinghouse" for the coordination of voter education;
(c) to produce and place public service announcements relative to poll worker recruitment and voter education;
(d) to design and post additional information on the website regarding the voting process;
(e) to target younger voters and those not yet old enough to vote regarding the importance of and the mechanics of participating in the voting process;
(f) to educate all eligible citizens as to the procedures relative to voting;
(g) to work with federal, state and local governmental agencies, including the Registry of Motor Vehicles, to streamline the procedures to facilitate voter registration and voter participation;
(h) to develop procedures for informing individuals whose attempted efforts to register to vote or to vote are defective, and to provide for the correction of such deficiencies;
(i) to explore proposals that may facilitate the opportunity to participate in the voting process, including Election Day registration, on demand absentee voting, and Election Day Holiday voting;
(j) to take all other appropriate action to educate elections officials and voters regarding the voting process.

(2) through the process for distribution of funds, provide funds to local election officials and other entities, including community-based, employee-based, campus-based, and similar organizations, to assist in voter education, election official education and training, and poll worker training;

(3) consider enhancing the existing toll-free telephone number and Secretary of the Commonwealth website to provide additional information to citizens on how to participate in the elections process and ensure that there are sufficient staff and resources to make the toll-free number and the website easily accessible to persons with disabilities and persons with language assistance needs;

(4) consider the development of public service announcements and other videos that would be available for local cable networks;

(5) develop for posting in polling places, on the Internet, and elsewhere, materials in appropriate languages and in alternate formats (Braille, large print, audio tape, or electronic computer disk) containing useful information regarding the election process and how to participate in it. The Secretary shall ensure that such materials are accessible to the

widest possible audience, including persons with disabilities and language assistance needs;

(6) encourage voter education efforts conducted in connection with the foregoing activities to cover at least the following topics:

(a) information on how to register to vote;
(b) information on how voters can determine the location of their polling places and hours of voting;
(c) information on absentee balloting;
(d) the proper use of voting systems and technology;
(e) the rights of voters to cast provisional ballots;
(f) the rights of minority language voters in jurisdictions covered under Section 203 of the Voting Rights Act of 1965 to receive language assistance at the polling place;
(g) the availability of the complaint procedure and toll-free numbers described in this State Plan;
(h) the rights of voters with disabilities in jurisdictions covered under the Voting Accessibility for the Elderly and Handicapped Act to receive assistance at the polling place.

(7) re-assess the information currently provided by the Secretary's office, including but not limited to, the Information for Voters guide. The informational material will be re-evaluated to determine what information needs to be modified and what additional information should be provided. The Secretary will direct sufficient resources towards strengthening existing publications and programs and establishing ones that will be the most effective in addressing voting issues in Massachusetts.

UPDATE:

The Secretary has produced public service announcements on both radio and television before the elections providing information relative to registering to vote and identification requirements. The Secretary has been working to constantly update his website to include information relative to the voting process. As mentioned earlier, the Secretary has included information relative to voting including registration, how, when and where to vote, absentee voting, and HAVA requirements in the Information for Voters booklet which is distributed to every household in Massachusetts and is available in Spanish, large print, audio and on the website. The Secretary will continue to work to ensure voters are educated and informed regarding the process.

ELEMENT 4:

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

Section 254(a)(4) of HAVA requires the Commonwealth to describe how it plans to adopt voting system guidelines and processes that are consistent with the requirements of Section 301 of HAVA. The Secretary, under existing state law and regulation, certifies voting systems and equipment.[27] The procedures for the use of voting equipment is set forth in the general laws and in the Code of Massachusetts Regulations. The Secretary also has the authority to decertify voting systems and equipment, and the procedures for their use. No voting system may be used for any election without being certified.

The Secretary, through existing processes, after considering any voluntary guidelines adopted by the Commission pursuant to Subtitle B of Title III, will certify and decertify voting systems, and the procedures for their use, to ensure that all voting systems and the procedures for their use comply with the requirements of Section 301 and other provisions of HAVA.

UPDATE:

The Secretary continues to monitor certification of voting equipment by the EAC and will actively pursue state certification of any federally certified voting system.

ELEMENT 5:

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

Section 254(b) of HAVA requires the Secretary to establish a fund to be used to administer the state's activities relating to its requirements payments. The election fund is to include:

(1) amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment [has been] made to the State. . .;
(2) the requirements payments made to the State;
(3) such other amounts as may be appropriated under law; and
(4) interest earned on deposits of the fund.

The Secretary of the Commonwealth has administratively established an Election Fund. The Secretary's fiscal, accounting, and budgeting offices will have overall responsibility, under the direction of the Secretary of the Commonwealth, for the administration of this fund. The administration of the fund will meet all requirements of federal and state law for fiscal management.

ELEMENT 6:

The State's proposed budget for activities under Part II of HAVA, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on:

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

Section 254(a)(6) of HAVA requires the Secretary to describe in the state plan a budget for its proposed activities and anticipated expenditures for those activities.

HAVA creates additional requirements on states. The success of this reform effort is dependent upon adequate funding. It is important to realize that budgetary issues cannot be completely resolved until the amount of funds available is finally determined, the voluntary guidelines (Subtitle B of Title III) promulgated by the Commission can be considered, and the costs of actual implementation are ascertained. However, as the Election Assistance Commission has not yet been established to develop and announce specific funding and guidelines, no further funding has been determined. Accordingly, it is difficult to formulate a proposed budget. When the amount of funds are finally determined, the guidelines are promulgated, and the implementation costs can be ascertained, a detailed budget will be presented by the Secretary.

Section 253(b)(5) of HAVA requires that each state provide 5 % matching funds for the Title II funding. Massachusetts is working to appropriate such matching funds.

The general principles that are being followed in the budgeting process are set forth below:

(a) The Secretary of the Commonwealth will adopt policies and procedures to ensure that all funds received, including interest earned on those funds, with the exception of funds identified in Sections 251(b)(2)(A) and (B) from Title II allocations, will be used to accomplish the requirements of Title III.

(b) The Secretary will identify its "maintenance of effort" level for each of the requirements in Title III and will not use HAVA funds to supplant activities already funded.

(c) The State will use some of the monies received under Section 101 to supplement the monies received under Section 102 for reimbursing those municipalities that used either lever machines or punch card voting machines at the 2000 election.

(d) No funds received pursuant to Title II will be used for purposes of litigation or payment of judgment.

(e) The Secretary will administer the Election Fund described in Section 254(b) of the Act.

SECTION 101 FUNDS BUDGET:

PURPOSE	AMOUNT
Statewide Voter Registration Database	$3,000,000
Voting Equipment	$1,246,944
Voter Education	$1,000,000
Poll Worker Training	$750,000
Alternative Language Assistance	$100,000
Provisional Balloting Information	$200,000
Administrative Expenses/Complaint Process	$200,000
Disability Access/Accessibility	$100,000
Miscellaneous/State Plan Expenses	$50,000
TOTAL	$6,646,944

SECTION 102 FUNDS:

All monies received under Section 102 will be directed to the municipalities. Additionally, certain amounts received under Section 101, as noted above, will be used to supplement any amounts provided to municipalities that are required to replace voting equipment.

TITLE II FUNDS:

The Secretary of the Commonwealth, in administering the Election Fund, will provide funding for the following specific requirements of Title III:

VOTING SYSTEMS STANDARDS

The Secretary will allocate funds to meet the requirements of Section 301. This may include allocation of funds to local election officials, according to allocation criteria developed by the Secretary.

If federal standards or state standards are adopted that require retrofitting of existing equipment, funds may also be necessary for this purpose.

The Secretary shall establish a procedure to determine which local election jurisdictions require or request funds to meet the requirement of

Section 301(a)(3) for at least one accessible voting system in each polling place. There are approximately 2,158 precincts in the Commonwealth of Massachusetts.

The Secretary shall ensure that all voting equipment meets the provisions of Section 301, including, but not necessarily limited to: (1) permitting voters to verify and correct their ballots prior to casting the ballot; (2) providing notice of the fact and effect of overvotes and permitting voters an opportunity to correct an overvote before the ballot is cast; (3) producing a permanent paper record with a manual audit capacity; (4) providing a uniform definition of a vote cast on any voting systems; (5) ensuring accessibility to persons with disabilities; (6) ensuring accessibility for language minorities as required by the Voting Rights Act of 1965, as amended; and (7) meeting the "error rate" guidelines adopted by the Federal Election Commission.

100% of the Section 102 monies will be dedicated to this purpose. Additional funding from Section 101 monies will be used to supplement monies distributed to municipalities for purposes of acquiring new voting equipment. It is estimated that an additional 15% of Title II monies will be used to acquire accessible voting equipment for each polling location as well as for other municipal activities.

PROVISIONAL VOTING

Massachusetts law does not currently provide for provisional voting that complies with the requirements of Section 302. Legislation will be introduced and regulations promulgated which provide for provisional voting in compliance with the requirements of Section 302. The Secretary intends to disburse funds to ensure that the provisional voting requirements are implemented and that all notices required by HAVA are developed and included at each polling place. In addition, the Secretary will, in cooperation with local elections officials, define a "free access" system (or systems) to permit voters to determine if their provisional ballot was counted and if it was not, why not. The funds necessary for this "free access" system will depend on the design of the system (Internet, telephone, etc.), who operates and manages the system (one state system, or local systems), and the volume of inquiries made by voters for the required information or the volume of notices provided to provisional voters.

It is estimated that 5% of the Title II funding will be dedicated to this purpose.

VOTER INFORMATION

HAVA requires that certain information be provided to voters at the polling place. This information shall include a sample ballot, the date and hours of voting, how to vote, how to vote a provisional ballot, procedures for first time

registrants required to present identification, a listing of the rights of voters and other general information on other laws and protections for voters.

The Secretary will ensure that the necessary materials are developed, distributed and provided at all polling locations.

Preliminarily, it is estimated that 7% of the funds will be dedicated for this purpose.

STATEWIDE DATABASE

The Secretary is required to develop a single, uniform, official, centralized, and interactive database of registered voters that is defined, maintained, and administered at the state level. The database shall be the official list of voters for federal elections.

Massachusetts currently has a centralized database called the Voter Registration Information System. The system was developed in response to the National Voter Registration Act of 1993 and meets all requirements of that act. The system will, however, need to be modified to meet the new requirements of HAVA.

The costs associated with modifications of the system will include establishing further connections with the Registry of Motor Vehicles to facilitate the verification of driver's license number and social security number.

Preliminarily, it is estimated that 10% of the available funds be used for this purpose.

REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL

The Secretary will develop procedures for the uniform implementation of the requirements of Section 303(b).

It is estimated that 5% of the funds will be dedicated for this purpose.

VOTER EDUCATION

Section 254(a) requires that the State Plan include a description of how Title II funds will be used to educate voters to assist in meeting the requirements of Title III. Educating voters on the use of new voting equipment as well as new procedures will be critical to the success of the reforms in the election process.

The Secretary will allocate substantial funds to the education of voters concerning voter registration, voting, new voting equipment, voter rights, and other appropriate subjects.

These funds will provide for educational efforts in the minority language and disability communities, and will make a special effort to inform and educate young voters as they begin their careers as voters.

In addition to funds expended by the Secretary, funds may be allocated to local elections officials, individuals, organizations, and others for educational purposes. Funding allocation will be in accordance with criteria established by the Secretary.

Outreach methods may include: printed materials, radio and television announcements, mailings, newsletters, organizing community groups and utilizing their networks to extend into the community, or other means to effectively reach the target audience.

Preliminarily, it is estimated that 10% of the funding available be used for this purpose.

ELECTIONS OFFICIAL EDUCATION

Section 254(a) requires that the State Plan include a description of how Title II funds will be used to educate election officials. Local election officials are a key component of a successful election as they actually administer elections and interact with the voters.

The Secretary will work with local election officials to develop a plan for specific training of election officials. The funding required for this training program will depend on the curriculum and program design.

Preliminarily, it is estimated that 20% of the available funds be dedicated for this purpose.

POLL WORKER EDUCATION

Section 254(a) requires that the State Plan include a description of how Title II funds will be used to educate poll workers.

The Secretary will expend and allocate funds to assist local elections officials in programs to train poll workers. These programs will include, among other topics, instruction on the proper operation of voting equipment, applicable federal and state laws, the specific needs of minority language and disabled voters, voting provisionally in accordance with the HAVA, procedures for voters who register for the first time by mail, and the rights of voters.

Preliminarily, it is estimated that 15% of the funding be dedicated for this purpose.

THE PORTION OF THE REQUIREMENTS PAYMENT THAT WILL BE USED TO CARRY OUT OTHER ACTIVITIES

Complaint Procedure

The Secretary will establish a complaint procedure that meets the requirements of Section 402. The funds necessary for administering this procedure will depend on the type and the number of complaints received and processed. Funding for administering the procedure is likely to come from the requirements payment. The Secretary would also use such funds for other administrative costs for implementation of HAVA.

It is estimated that 1.5% of the Title II funding would be dedicated to this purpose.

Other Costs:

Providing Grants to Organizations and Municipalities, including voter registration grants: 10%

Administrative Costs: 1.5%

SUMMARY OF COSTS AND PORTIONS USED TO CARRY OUT ACTIVITIES

The chart below lists activities and costs of HAVA to be implemented in Massachusetts as provided in the original plan.

ACTIVITY	PERCENTAGE	PURPOSE
Voting Systems	100% of Section 102 Monies and 15% of Title II Monies	For the purchase of new voting equipment, including accessible equipment
Provisional Voting Information	5%	To establish a provisional ballot system and the required free access system
Voter Information	7%	To provide the required information to voters
Voter Registration Database	10%	Modifications to VRIS
Requirements for Voters Who Register by Mail	5%	To implement procedures uniformly
Voter Education	10%	Administered by state in coordination with municipalities
Election Officer Training	20%	Administered by State to municipalities
Poll Worker Training	15%	Administered by State in coordination with municipalities
Complaint Procedure	1.5%	To ensure that HAVA is implemented fairly
Administrative Expenses/ Implementation Costs	1.5%	For state personnel to administer HAVA and other costs for implementation
Grants	10%	Includes activities such as voter registration
TOTAL	100%	

UPDATED SUMMARY OF COSTS AND PORTIONS USED TO CARRY OUT ACTIVITIES

The chart below lists activities and costs of HAVA to be implemented in Massachusetts as amended from the original plan.

ACTIVITY	PERCENTAGE	PURPOSE
Voting Systems	100% of Section 102 Monies and 25% of Title II Monies 100% of FY 2008 and FY 2009 Requirements Payments	For the purchase of new voting equipment, including accessible equipment
Provisional Voting Information	5%	To establish a provisional ballot system and the required free access system
Voter Information	7%	To provide the required information to voters
Voter Registration Database	10%	Modifications to VRIS
Requirements for Voters Who Register by Mail	5%	To implement procedures uniformly
Voter Education	10%	Administered by state in coordination with municipalities
Election Officer Training	10%	Administered by State to municipalities
Poll Worker Training	15%	Administered by State in coordination with municipalities
Complaint Procedure	1.5%	To ensure that HAVA is implemented fairly
Administrative Expenses/ Implementation Costs	1.5%	For state personnel to administer HAVA and other costs for implementation
Grants	10%	Includes activities such as voter registration
TOTAL	100%	

ELEMENT 7:

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

The Secretary of the Commonwealth, through the state's budgetary processes and the distributions of the requirements payment, intends to ensure that the expenditures of the state for activities funded by the payment will be maintained at a level that is not less than the level of such expenditures maintained by the state for the 1999-2000 Fiscal Year.

ELEMENT 8:

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

Section 254(a)(8) of HAVA requires the Secretary to describe how the state will adopt performance goals and measures to be used by the Commonwealth to measure Massachusetts' success in implementing this state plan.

To ensure continued implementation and monitor performance, the Secretary intends to assign at least one employee of the Elections Division to oversee the HAVA project. This employee would be responsible for coordination of efforts between the state and municipalities as well as reporting progress to the Secretary.

The Secretary intends to:

(a) develop performance goals and measures, with timetables, descriptions of criteria, the process used to develop the criteria, and identification of accountable officials, to determine the effectiveness of all programs and efforts receiving HAVA funds;

(b) monitor, through consultations with local elections officials and interested individuals and organizations, the performance of the state, units of local government and other entities with respect to reaching goals and each and every provision of HAVA.

Some planned performance goals include:

- ✓ Elimination of lever voting machines and punch card voting systems: November 2004
- ✓ Implementation of Updates to Central Voter Registry System: January 2004
- ✓ Implementation of Free Access System for Provisional Voting: February 2004

UPDATE:

The elimination of lever voting machines and punch card voting systems was fully implemented before the 2004 State Election. Updates to the Voter Registration Information System to meet HAVA requirements were implemented

in early 2004. The free access system for provisional voting was operational for the March 2004 Presidential Primary.

ELEMENT 9:

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

Section 402 of HAVA requires each state to establish and maintain a state-based administrative complaint procedure that:

(a) is uniform and nondiscriminatory;

(b) allows any person who believes that there is a violation of any provision of Title III to file a complaint;

(c) requires that the complaint be in writing and be notarized;

(d) permits consolidation of complaints;

(e) requires that there be a hearing on the record if the complainant requests such;

(f) an appropriate remedy be provided if the State determines that there is a violation of Title III;

(g) the complaint be dismissed and that the results be published if it is determined that there is no violation;

(h) a final determination be made within 90 days from the date the complaint is filed unless the complainant consents to a longer period for making such a determination;

(i) alternative dispute resolution procedures be established for resolving the complaint within 60 days if the State fails to meet the 90 day deadline set forth above.

Under the current provisions of Massachusetts General Laws, any person may complain to the Secretary of the Commonwealth, as Chief Elections Officer, that a pattern of conduct, or a standard, practice or procedure of a local election official is contrary to the elections laws.[28]

The Secretary will establish a uniform, nondiscriminatory state-based administrative complaint procedure in compliance with Section 402 of HAVA by amending the Code of Massachusetts Regulations.[29] The procedure will provide individuals with a meaningful, expedited means of voicing a complaint concerning the implementation of Title III of HAVA and an appropriate remedy if a violation has occurred. The procedure will address the accessibility needs of minority language voters and individuals with disabilities.

The complaint procedure will authorize any individual residing in the Commonwealth of Massachusetts to file a written complaint with the Secretary alleging that Title III has been violated, is being violated or is about to be violated. Pursuant to HAVA, the complaint must be notarized. (The Complainant must sign the complaint after being sworn by a notary public.) The Secretary intends to develop forms for filing such complaints, but any other form that meets the specified requirements will be accepted. Forms prescribed by the Secretary will be translated into appropriate languages.

The complaint may be filed in person at any office of the Secretary of the Commonwealth or mailed to Secretary of the Commonwealth, Elections Division, HAVA Complaint, 1 Ashburton Place, Room 1705, Boston, MA 02108. The Secretary may consolidate complaints when appropriate. When a complaint is filed, the Secretary shall assign an investigator, who shall be an employee of the Elections Division. The process will allow for the complainant to request a hearing on the record. A final determination, in writing, must be made within 90 days of filing the complaint. An appropriate remedy must be provided if a violation is found.

The process will include provisions if a determination is not made within 90 days, that an alternative dispute resolution will be provided.

UPDATE:

The Secretary amended existing regulations (950 CMR 56.00) to include a HAVA complaint procedure. Those regulations provide that any person may complain to the Secretary, in accordance with the provisions of Section 402 of HAVA, that Title III has been violated, is being violated or is about to be violated. Complaints filed in accordance with Section 402 of HAVA, must be in writing and notarized and must be made to:

Elections Division
Office of the Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, MA 02108

Additionally, for complaints filed in accordance with Section 402 of HAVA, the complainant may request a hearing on the record. Decisions on complaints filed in accordance with Section 402 of HAVA shall be made within 90 days from the date the complaint is filed, unless the complainant consents to a longer period for making such decision. If a decision is not made within 90 days as set forth above, the matter shall be referred to the Massachusetts Office on Dispute Resolution for further proceedings.

ELEMENT 10:

If the state received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under such plan, including the amount of funds available for such activities.

Section 254(a)(10) of HAVA requires the Commonwealth to describe in its State Plan how funds that it has received under sections 101 or 102 of HAVA will affect the activities that the state plans to carry out under the State Plan. Section 254(a)(10) also requires the Secretary to state the amount of funds available for its proposed activities.

The Secretary intends to use the funding received by the Commonwealth under Title I of HAVA to assist the state and municipalities to implement the provisions of HAVA. The funding will be allocated as follows:

PURPOSE	AMOUNT
Statewide Voter Registration Database	$3,000,000
Voting Equipment	$1,246,944
Voter Education	$1,000,000
Poll Worker Training	$750,000
Alternative Language Assistance	$100,000
Provisional Balloting Information	$200,000
Administrative Expenses/Complaint Process	$200,000
Disability Access/Accessibility	$100,000
Miscellaneous/State Plan Expenses	$50,000
TOTAL	$6,646,944

All monies received under Section 102, will be dedicated to the replacement of lever voting machines and data-vote voting systems. The amount received for this purpose is $1,519,497.

ELEMENT 11:

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

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

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

(c) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with section 255 of HAVA.

Section 254(a)(1) of HAVA requires the state to describe in its plan how it will conduct ongoing management of the plan.

The Secretary will provide ongoing monitoring and oversight of compliance with the requirements of HAVA. To facilitate such, the Secretary will require that:

(a) any official or other entity receiving any funds under HAVA will be required to make ongoing reports on progress of implementation;

(b) funds be awarded on a schedule or other basis that requires proof of satisfactory completion of one phase of a project before funds for the next phase are distributed;

(c) local election officials and members of the State Steering Committee be consulted on a continuing basis with respect to management of the State Plan and any perceived problems with its implementation and/or the need for material change;

(d) no material change be made in the administration of the State Plan prior to appropriate notice and publication in the *Federal Register*.

UPDATE:

The Secretary has followed the original State Plan. However, at this time, as additional funding is available, this amended State Plan is being submitted for such purpose. The amended State Plan was developed in consultation with the State Steering Committee and has been subject to the appropriate public notice and comment period and will be published in the Federal Register.

ELEMENT 12:

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

As this is the first year Massachusetts is submitting a plan, there is no response to this element. Any changes to the State Plan for future fiscal years will be forwarded as required, including documentation as to the success under the plan for the previous fiscal year.

The Secretary will also provide copies of the same to the Senate and House Ways and Means Committees as well as the Office of Administration and Finance.

UPDATE:

As indicated in the beginning of this amended State Plan, updates from the original State Plan on each aspect and element of HAVA have been included.

ELEMENT 13:

A description of the committee which participated in the development of the State Plan in accordance with section 255 of HAVA and the procedures followed by the committee under sections 255 and 256.

As discussed above in the Introduction, this Preliminary Plan was developed through a State Steering Committee of twenty-eight individuals representing a cross-section of Massachusetts. As required by Section 255(a), the individuals included the chief elections officials of the two most populous jurisdictions conducting federal elections in Massachusetts (the cities of Boston and Worcester), other local elections officials, stakeholders (including representatives of groups of individuals with disabilities) and other persons. The list of the members and biographical information is included below as Attachment "A."

The Committee, as discussed in the Overview, held five (5) public meetings. The Committee formed three sub-committees: Voter Identification and Provisional Voting, Voting Equipment and Accessibility, and Training and Education. Each of the sub-committees held public hearings at various locations around the state, inviting and receiving comment from the public. The Committee thereafter met in Boston and the Chairs of each of the sub-committees provided their findings to the Secretary. Those findings were considered by the Secretary in drafting the Preliminary State Plan which was first provided to the Steering Committee for comment before being released for public comment.

UPDATE:

As vacancies occurred on the original State Steering Committee, new members were invited to participate. This is particularly true for the local election officials. Most notably, the members of the original State Steering Committee representing the two most populous jurisdictions have changed. Geraldine Cuddyer has replaced Nancy Lo as the Chair of the Boston Election Commission. Additionally, David Rushford is the City Clerk of Worcester and serves as the chief election official for the City as a result of special legislation enacted since the original State Steering Committee.

Attachment A

William Francis Galvin was elected to the Commonwealth's third-ranking constitutional office in 1994 and was sworn-in as the 28th Secretary of the Commonwealth of Massachusetts on January 18, 1995. He is currently serving his third 4-year term having been re-elected in 1998 and 2002. Sensitive to the Commonwealth's rich and storied history, Secretary Galvin, Chairman of the Massachusetts Historical Commission, has overseen the award of more than $26 million in preservation grants to sites in over 150 communities, and a grant program that helps cities and towns preserve their historical records. Besides serving as the Commonwealth's chief elections officer, Galvin is one of the state's premier election law specialists, an experience that helped prompt him to decertify the Votomatic punch card system in Massachusetts three years before its notoriety in Florida. Overseeing the "Motor Voter Law" which made it more convenient for people to register to vote, Secretary Galvin implemented the Central Voter Registry, the first statewide network of election records and increased voter registration to a record number. Designated the state liaison with the U.S. Census Bureau, Secretary Galvin targeted traditionally undercounted populations in a campaign that saw the Massachusetts census count become larger than predicted. As the state's chief securities regulator, Secretary Galvin has aggressively protected investors against fraud and has recovered millions of dollars for victims of scam artists and rogue dealers. Secretary Galvin has been an active participant in the National Association of Secretaries of State, serving first as Chairman of the Standing Committee on Securities and currently as Chairman of the Committee on Presidential Primaries. Secretary Galvin was born in Boston where he lives today with his wife Eileen and daughter Bridget. He graduated from Boston College in 1972 and Suffolk University School of Law in 1975. He is a member of the Massachusetts and Federal Bars.

Myra Berloff is the Acting Director of the Massachusetts Office on Disability, the state agency that works to eliminate discrimination against people with disabilities. Under her leadership the agency handles over 15,000 requests annually for individual or systemic advocacy, technical assistance or information and referral. During her years at MOD she has held the positions of Deputy Director and Assistant Director for Community Services. She is well known for her expertise in providing training and technical assistance to state agencies, municipal officials, Community Access Monitors, persons with disabilities, social service providers, and businesses on the Americans with Disabilities Act and other disability related laws and regulations. She spends much time promoting disability awareness throughout the state in order to advance the civil rights of people with disabilities. She helped design and continues to promote the nationally acclaimed Cultural Access Initiative that has trained representatives from over 30 states to make systemic changes that influence the quality and accessibility of cultural resources. Her work in the disability community was recognized with the Manuel Carballo Governor's Award for Excellence in Public

Service. She has been involved in promoting disability awareness for over 17 years.

Nancy Carapezza is the immediate past President of the League of Women Voters of Massachusetts. The League of Women Voters (LWV) is a nonpartisan organization that encourages informed and active citizen participation in government through citizen education and voters service projects. The League serves the public with individuals and organizations by providing advice and training on how to make government responsive and accessible. Nancy has also served as LWVM Vice-President for Citizen Education/ Voters Service and Vice-President for Local League Services. A resident of Wayland, she has served the local League in numerous offices. She is involved throughout the Commonwealth moderating debates and forums, and speaking at events on topics such as voter registration and participation in the political process, ballot questions, current public policy issues and Making Democracy Work. In 1995, she worked on the implementation of the National Voter Registration Act (NVRA/Motor Voter) here in the Commonwealth, and was then appointed to the Voter Registration Reform Advisory Committee. She is also a director of the Boston Network for Women in Politics and Government, a division of the McCormack Institute of Public Affairs at UMASS Boston. Nancy has worked as a probation officer and social worker. She is currently the coordinator of her Church's Confirmation Program and Wayland Public Schools Program: "Just Like Me: Understanding People with Disabilities".

Kathleen A. Casavant is representing the Massachusetts AFL-CIO.

Kim Charlson is the director of the Braille and Talking Book Library at the Perkins School for the Blind in Watertown, Massachusetts. She is a recognized national and international expert on library services for people with disabilities, Braille literacy, adaptive technology and information access. She serves on a number of committees for the National Library Service for the Blind and Physically Handicapped of the Library of Congress, and serves as a national member of the Braille Authority of North America, which is the standard-setting body for Braille. She is an active consumer advocate in many other arenas including guide dog issues, arts access, voting access, information and adaptive technologies, and disability policy development. In the area of education, she serves as the chair of the Department of Education's Braille Literacy Advisory Council. In advocacy and civil rights efforts, she served as the lead consumer advocate in the Fleet and Sovereign Bank Talking ATM initiative, and is an appointed member of the Governor's Advisory Council on Disability Policy. She has served as president of the Bay State Council of the Blind, the Massachusetts affiliate of the American Council of the Blind (ACB), and she has served as president of two national organizations -- Guide Dog Users Inc. and the Braille Revival League.

John Cloonan served as the Director the Elections Division in the Office of the Secretary of the Commonwealth from 1983 to 1999. Prior to that, Mr. Cloonan was the Supervisor of Election Material and the Assistant Supervisor of Elections. Mr. Cloonan had a total of 31 years of service in the Elections Division prior to his retirement in 1999. During that time, he worked on the implementation of the "Motor Voter Law" in the Commonwealth of Massachusetts. Mr. Cloonan has 4 children and 4 grandchildren and is enjoying his retirement spending time with them.

Diane Foley is the West Springfield City Clerk**.** Ms. Foley was first appointed as Assistant Town Clerk in 1986 and then appointed as Acting Town in 1987 before being elected as Town Clerk in 1987. She has served as Census Director and Clerk to the Board of Registrars since 1987 and was an elected Town Meeting Member from 1987 to 1993. In 2000, the form of government changed from Representative Town Meeting to a city form of government at which time Ms. Foley became City Clerk. Ms. Foley served as Clerk to City Council from 2000 to 2001. Recently, Ms. Foley was re-appointed for another three-year term as City Clerk. Ms. Foley is a Certified Massachusetts Municipal Clerk and has an Associates Degree in Legal Secretarial Sciences.

John Hanlon has been the City Clerk in the City of Everett since January of 1989. John has been a contributing member of the International Institute of Municipal Clerks, the Massachusetts City Clerks' Association, the New England Association of City and Town Clerks, Middlesex Town and City Clerks' Association, the North Shore Municipal Clerks' Association and a recent Affiliate Member of the Massachusetts Town Clerks' Association. He is a member of the MCCA Legislative Committee and was the most recent President of the MCCA for a two-year period. Prior to becoming City Clerk, John was a member of the Everett Board of Alderman for twenty-two years. Mr. Hanlon, always a community and charitable citizen has, in his career, been a three time loaned executive to the United Way, the United Way community chairman for two years and many years as a United Way volunteer, a special events chairman for the American Red Cross, the chairman of the Italian Earthquake Victim fundraising event. A longtime member of the Everett Chapter of the GBARC, a Senior Advisor of the Immaculate Conception CYO, Quarter Master for the Immaculate Conception marching band and the Chairman of the Everett Kennedy Statute fundraising events. At present, Mr. Hanlon is also a member of the Board of Directors for the Everett Credit Union.

Randall L. Hanson, CMC, MCMC, has been Town Clerk in Andover, Massachusetts for the past 14 years. She has a B.S. in Education and has worked providing constituent services for a U.S. Senator and has also worked in the Public Relations department of a regional bank. A life long resident of Massachusetts, Mrs. Hanson is a member of the Massachusetts Town Clerks Associations where she has chaired and is still a member of their Legislative Committee. She was an active member of the Secretary of State's task force

that help draft legislation to implement the federal legislation in 1993 to allow residents to register to vote by mail and at the registry of motor vehicles. Mrs. Hanson is also a member of the New England Association of City and Town Clerks, the International Institute of Municipal Clerks, Vice President of the North Shore City and Town Clerk's Association and is an active member of the Greater Lawrence Kiwanis Club that provides services to disadvantaged children.

Dominick Ianno is a seasoned veteran of the Massachusetts Republican political scene. He has worked as a research and media operative for several statewide Republican campaigns in Massachusetts, most recently for the successful Romney-Healey ticket in 2002. In addition to his extensive campaign experience, he spent two years serving as the Communications Director for the Massachusetts Republican Party (1999-2000) and one year as Press Secretary in the Executive Office for Administration and Finance (2001), where he was the chief fiscal spokesman for Governors Cellucci and Swift. In February 2002, Chairman Darrell Crate nominated Mr. Ianno to become the Executive Director of the Massachusetts Republican Party, where he is responsible for overseeing the party's day-to-day operations, including candidate recruitment, media relations and financial management. Dominick Ianno is a native of New Hartford, NY and currently resides in Watertown, MA. He has earned a Bachelor of Arts degree in political science from SUNY Oswego in 1995 and a Juris Doctorate degree from the New England School of Law in 1998.

Kamal Jain has worked in various technical staff and management positions in the high-tech industry for over 13 years. He currently is the Manager of Hosting Services at BrassRing in Waltham, Massachusetts. Prior to high-tech, he spent a number of years involved in volunteer and professional emergency services, including working for 2 years as an Emergency Medical Technician. Kamal has studied finance and accounting at Bentley College. He is 33-year resident of Massachusetts, and currently serves as Chairman of the Massachusetts Libertarian Party. He ran for State Senator from the Middlesex and Worcester district in 2000 and for State Auditor in 2002.

Philip W. Johnston is Chairman of the Massachusetts Democratic State Committee.

Peter Karg is the Executive Secretary of the Newton Election Commission. Mr. Karg was appointed to his present position in February 2002. He previously served in several senior level positions in the executive branch of state government. He holds a Bachelor and Master's degree from Northeastern University. In his present position he is responsible for the city census, voter registrations, campaign and political finance reports and elections.

Paul Lachelier is the Massachusetts Green-Rainbow Party representative to the Massachusetts HAVA Committee. He is a PhD student in political sociology specializing in electoral and non-electoral political participation. Mr. Lachelier

was the 2002 Green Party candidate for State Representative in Massachusetts' 26th Middlesex District (East Cambridge and East Somerville), garnering 37 percent of the vote. He has been a political activist for 11 years in student, labor and third party politics. He lives in Somerville, MA.

Nancy Lo is Chairperson of the Boston Election Commission and has been since December of 1999. Prior to her appointment as Chairperson, Ms. Lo served as the Director of the Mayor's office of Consumer Affairs and Licensing for approximately three years. Ms. Lo was Senior Policy Advisor to the Mayor for four years and previously worked in the Massachusetts office of United States Senator John Kerry for three years. Ms. Lo has a B.A. from Regis College and a Masters degree in Public Administration from Northeastern University. Ms. Lo currently resides in Jamaica Plain with her husband and three children.

Denise L. MacAloney, CMMC/MMC, has served as the Elected Town Clerk of Westminster, MA for the past 19 years. She has a BS Degree in History from Fitchburg State College and a MA Degree in Public Administration from Framingham State College. Her professional accreditations and certifications include Massachusetts Certified Municipal Clerk (CMMC), Master Municipal Clerk (MMC through the International Institute of Municipal Clerks) and she serves as a Justice of the Peace and Notary Public for the Commonwealth of Massachusetts. She is a past president of the Massachusetts Town Clerks' Association and the Worcester County City and Town Clerks' Association and is currently on the Board of Directors for the International Institute of Municipal Clerks (IIMC). She has served on the Central Voter Registry User Advisory Board, the Central Voter Registry Software Development Committee, and the Municipal Permit Streamlining Committee under the direction of the Secretary of the Commonwealth and was appointed to the Special Commission on Clean Elections by Director of the Office of Campaign & Political Finance.

Craig Manseau is Executive Director for the Worcester Election Commission.

John McGarry is a life long resident of Brockton and a graduate of Brockton Hospital School of Nursing. He has been employed in the medical industries as a nurse, orthopedic specialist and certified renal lithotripsy specialist. Mr. McGarry served as Assistant Registrar of voters for several years before being elected Ward Three councilor, a position that he held from 1990 until 1999. Mr. McGarry served as City Council President in 1993 and 1999 and was then appointed as Executive Director of Registrar of Voters by the City Clerk in 2000, which later became the Election Commission, by vote of the City Council. Mr. McGarry has been married for twenty five years to his wife Jan, who is a school nurse working with three and four year old multiple handicapped children in an early intervention program. Mr. and Mrs. McGarry have a daughter, Katie who recently graduated from Marymount Manhattan College with

a degree in Technical Theater and has already stage-managed two off Broadway shows.

Harry J. Petrucci is currently the Director of Local Administrative Assistance for the Secretary of the Commonwealth. As an employee of the Secretary, Mr. Petrucci worked in the Elections Division for 32 years. During that time, he served as the Secretary's designee to Local Election Districts Review Commission. This Commission reviews and approves the redrawing of precinct lines following the federal census. On the local level, Mr. Petrucci served on the Wakefield Planning Board for 5 years and on the Finance Committee for 19 years and was Chair of the Finance Committee for 3 years. He is a graduate of Boston College and the University of New Hampshire. He currently resides in Northampton.

Laurence R. Pizer has served as appointed Town Clerk of Plymouth since 1992. He was elected President of the Massachusetts Town Clerks' Association from 2001 to 2003, and he was appointed to the Legislative Committee of that organization. He earned the position of Certified Massachusetts Municipal Clerk from the Massachusetts Town Clerks' Association and the position of Certified Municipal Clerk from the International Institute of Municipal Clerks. He received a Bachelor's degree from Brown University and a Master's degree from the University of Iowa, both with a concentration in American history.

Senator Stanley Rosenberg (D-Amherst) was named President Pro Tem of the Massachusetts Senate on January 8th, 2003, thus becoming the first senator in the state's history to hold this leadership position. This appointment came after he served seven years in other leadership posts: four as Assistant Majority Leader and three years as the first western Massachusetts legislator to chair the Senate Committee on Ways and Means. Prior to his most recent appointments, Stan served as chairman of the state's Redistricting Committee, which was responsible for redrawing the Commonwealth's state and federal districts, based on the 2000 census, and as chairman of the Banks and Banking Committee. Prior to that he served as co-chairman of the Legislature's Joint Committee on Election Laws, where he was a catalyst behind some fundamental changes in the Massachusetts political system. In 1993, the Committee's "motor voter" bill was signed into law, making Massachusetts one of the most convenient states in the nation for voter registration. Then in 1994, the Committee's campaign finance reform bill became law. This law reduces the influence of private money on public policymaking by placing tough restrictions on the amount of money lobbyists, political action committees and individuals may contribute to political candidates. Stan was elected to the state House of Representatives in 1986 and served as the representative for Amherst and Pelham until 1991 when he won a special election for the state Senate seat being vacated by Congressman John Olver.

Judith L. St. Croix is a life long resident of the Town of Wayland and a graduate of Wayland High School and Michigan State University. She has served as

elected Town Clerk since June 1986 having attained the following: CMC – Certified Municipal Clerk; CMMC – Certified Massachusetts Municipal Clerk; Notary Public; Justice of the Peace; and Commissioner to Qualify. Currently, Ms. St. Croix serves as First Vice President of the Massachusetts Town Clerk's Association and member of the Legislative Committee. Previously, she served on the Executive Board for three years; Treasurer for four years; and Second Vice President for two years. Ms. St. Croix is also a member of Middlesex County Town and City Clerk Association; New England Town Clerk Association; and the International Institute of Municipal Clerk's Association.

Joseph Shea is the City Clerk in the City of Quincy. Mr. Shea has been City Clerk since 1992 and prior to that served as Assistant Clerk beginning in 1990. Mr. Shea also served as Executive Secretary to the Mayor of Quincy in the 1970's. Mr. Shea graduated from Suffolk University with a B.A. in Government and is a recent graduate of the New England Municipal Clerk Institute. He has three children and one grandchild and lives in Quincy with his wife and daughter.

Elisabeth C. Smith served as the Deputy Field Director of the 2002 Romney-Healey campaign, where she coordinated the campaign's absentee ballot initiative and supervised the efforts of thousands of volunteers to get out the vote. Ms. Smith also worked with a team of attorneys and election officials to develop ballot security procedures and to ensure voters were informed of their rights to cast their votes on Election Day. Following the election of Governor Romney, Elisabeth Smith has held positions on the transition team and in the Administration, and is currently serving as Deputy Chief of Staff in the newly created Executive Office of Economic Development. Elisabeth Smith earned Bachelor's and Master's degrees in Economics from Utah State University, and a Juris Doctorate degree from Boston University School of Law. Before joining the campaign, Ms. Smith practiced corporate and securities law at a large Boston law firm.

Representative Bill Straus has been a member of the Massachusetts Legislature since 1992. He represents the Towns of Fairhaven, Marion, Mattapoisett, Rochester and Middleboro. Prior to his election, Representative Straus was a member of the Mattapoisett Conservation Commission and an appointee to the Massachusetts Hazardous Waste Facilities Site Safety Council on which he served for four years. Throughout his term he has served on a number of committees including the Joint Health Care Committee and as the Vice Chairman of the Joint Committee on Transportation. He currently is the House Chairman of the Joint Committee on Election Laws. Representative Straus was a member of the Rules Committee to the 2000 Democratic National Convention in Los Angeles, CA.

Joseph Tringale has been working in the field of independent living for nearly 20 years. He has recently assumed the role of Chair of the Statewide Independent Living Council. This statewide council represents Independent Living Centers,

consumer, and state agencies representing people with disabilities. He has completed extensive training by the Department of Justice in order to review the requirements of the Americans with Disabilities Act. Due to numerous trainings and years of hands-on experience, he has acquired a high level of expertise in the fields of physical and programmatic accessibility. Joseph has worked with the private and public sectors to disseminate this information and has participated in a number of projects, which require evaluating physical environments and consumer access. He has also provided workshops to municipal representatives and business owners explaining the state and federal requirements for accessibility. Currently Joseph is the Director of community services at the Stavros Center for Independent Living, which is the third oldest Center in the country.

Patrick Joseph Ward is currently serving his fourth elected three-year term as Town Clerk for the Town of Brookline. He is also a practicing attorney. Mr. Ward has over twenty-five years of legislative and election administration experience. Prior to his election as Town Clerk, he served as the Town of Brookline's Assistant Town Clerk and Chairman of the Board of Registrars of Voters. Mr. Ward also served as Legislative Director for the Office of the Secretary of the Commonwealth and is currently the Vice-Chair of the Massachusetts Town Clerks' Association's Legislative Committee. Mr. Ward is a graduate of Boston College and New England School of Law. He resides in Brookline with his wife Jennifer.

ENDNOTES

[1] HAVA § 101, 42 U.S.C § 15301
[2] HAVA § 102, 42 U.S.C. § 15302
[3] HAVA § 251, 42 U.S.C. § 15401
[4] HAVA § 254, 42 U.S.C. § 15404.
[5] See Attachment A for a description of the State Steering Committee Members.
[6] HAVA § 201, 42 U.S.C. § 15321. The Election Assistance Commission (EAC) was established in the legislation. EAC will consist of four members appointed by the President with the advice and confirmation of the Senate and is empowered to hold hearings, take testimony, receive evidence, enter contracts, obtain information from other federal agencies, receive support and use the U.S. mail system.
[7] M. G. L. c. 54, § 71A (2000 ed.).
[9] See e.g., M. G. L. c. 54, § 24; M. G. L. C. 54, §§ 11, 12; M.G. L. c. 51, § 42H (2000 ed.).
[9] In 1999, the Office of the Secretary of the Commonwealth and the Massachusetts Office on Disability worked together to conduct a survey of all polling places in Massachusetts. Since that time, certain polling places have changed and/or the Secretary has received access complaints regarding other polling locations. Therefore, it has been deemed necessary to re-survey certain polling places to determine accessibility.
[12] It is important to note that the methods of complying with the requirements of Title III are left to the discretion of the states. HAVA § 305, 42 U.S.C § 15485
[13] In 1998, the Secretary decertified the use of punch-card voting systems.
[14] HAVA defines an accessible unit as a DRE-Direct Recording Electronic unit or touchscreen.
[13] See M. G. L. c. 54, § 32 (2000 ed) (examination and approval of voting equipment); 950 CMR § 50.00.
[14] As of the 2000 federal census, six (6) communities in Massachusetts are required to provide election information in both English and Spanish. Those communities are Boston, Chelsea, Holyoke, Lawrence, Southbridge and Springfield.
[15] Those communities are Boston, Chelsea, Holyoke, Lawrence, Southbridge and Springfield.
[16] In the City of Boston, pursuant to Chapter 111 of the Acts of 2006, certain precincts also had bilingual ballots in Chinese and Vietnamese and in those locations, the AutoMark Voter Assist Terminals were programmed with the applicable languages as well.
[17] M. G. L. c. 51, §§ 59, 59A (2000 ed.).
[18] M. G. L. c. 54, § 48 (2000 ed.).
[19] Mass. Const. Amend. Art. 48, Sec. 4; M. G. L. c. 54, § § 53, 54 (2000 ed.).
[20] The 2002 edition is available at http://www.state.ma.us/sec/ele/elepdf/ifv02.pdf (English) and http://www.state.ma.us/sec/ele/elepdf/ifv02span.pdf (Spanish).
[21] HAVA § 303(a)(5)(A)(iii); 42 U.S.C. § 15483(a)(5)(A)(iii).
[22] M. G. L. c. 51, § 47C (2000ed).
[23] The town of Gosnold is not connected to the CVR system, as it is a small island off the coast of Cape Cod that does not have phone lines. However, the information of registered voters from Gosnold is entered into CVR using copies of registrations sent from the town clerk.
[24] 950 C.M.R. § 58.00
[25] The Registry of Motor Vehicles has indicated that a person must undergo the same application process when applying for a state issued identification card as they would when applying for a driver's license, except the applicant does not need to pass the examination. However, when applying for a state issued identification card, an applicant must provide their full social security number, which is verified against the Social Security Administration database.
[26] Currently, identification is define in regulation as "a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address." 950 C.M.R. § 54.04(6B).
[27] See M. G. L. c. 54, § 32 (2000 ed) (examination and approval of voting equipment); 950 CMR § 50.00.

[28] M. G. L. c. 56, § 60 (2000 ed.).
[29] 950 CMR § 56.00 Administrative Proceedings Concerning Practices of Local Election Officials

SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

June 10, 2009

SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

May 30, 2009

S.C. State Election Commission
P.O. Box 5987
Columbia, SC 29250

Marci Andino, Executive Director

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

June 8, 2009

The Honorable Gineen Bresso Beach
Chair
U.S. Election Assistance Commission
1225 New York Avenue NW, Suite 1100
Washington, D.C. 20005

Dear Ms. Beach,

Please accept this letter as certification that the State of South Carolina is in compliance with the applicable laws of the Help America Vote Act of 2002 (HAVA) and respectfully requests distribution of $2,975,688 in 2008 and 2009 requirements payments earmarked for South Carolina. The required 5% state match of $156,615 was approved by the legislature and has been deposited in the appropriate election fund as required by HAVA.

The State of South Carolina hereby certifies that it complies with the requirements referred to in Section 253(b) of the Help America Vote Act of 2002.

Sincerely,

Mark Sanford

MS/ll

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Executive Summary by the Executive Director

I am pleased to offer the South Carolina 2009 State Plan for compliance with the Help America Vote Act of 2002 (HAVA). This State Plan, developed with the valuable help of the HAVA State Plan Task Force and updated by the HAVA State Plan Advisory Team, establishes a framework for achieving compliance with HAVA and continuing the improvement of election administration

The federal law requires each state to develop a long-range State Plan for HAVA implementation and provides funding to assist the state in implementation. The South Carolina State Plan provides a description of current election procedures, outlines how South Carolina has met the requirements mandated by HAVA, will use HAVA funds for election administration enhancements, and outlines changes South Carolina has made since release of the initial State Plan to bring the State into compliance with HAVA. The State Plan will be updated and refined as necessary over time, to reflect election law changes and future plans.

The State Plan reflects strategic objectives of great importance to every voter in South Carolina: implementation of a statewide uniform electronic voting system, support for disabled voters in every precinct in the State, enhancements to election administration, and training for voters, poll workers, and election officials. Building on current capabilities, the goal is to offer a higher level of service with increased ease of use, convenience, and consistency in every precinct across the State.

The State Election Commission (SEC) recognizes the value of HAVA to South Carolina and is committed to successful implementation of all elements of the State Plan. With this State Plan, the SEC has taken an important step toward ensuring every citizen that every vote matters and every vote counts.

Marci Andino

Marci Andino
Executive Director
South Carolina State Election Commission

Introduction

The South Carolina State Election Commission is tasked with the responsibility of overseeing the voter registration and election processes in the State. The SEC has multiple responsibilities:

- Maintaining the State's computerized statewide voter registration system, which is used to validate registered voters during elections and which also serves as a source for selection of jurors in the state
- Providing voter registration and election m aterials
- Printing the lists of registered voters for all elections held in the state
- Printing or providing funding for ballots for all federal offices, statewide offices and constitutional amendments voted on in South Carolina
- Producing databases and machine ballots for elections in the State conducted using electronic voting systems supported by the State Election Commission
- Providing oversight, including assistance and advisory services to county and municipal election officials for elections in South Carolina
- Training voter registration and election of ficials
- Serving as the State Board of Canvassers after elections to certify election returns, to declare candidates elected, and to hear protests/appeals that may arise

The South Carolina State Election Commission continually looks for ways to improve the election process and to maintain its integrity. Highlighting the ongoing process are recent major SEC initiatives, including 1) the 1999 Statewide Election Summit, and 2) the 2001 Governor's Task Force on Elections. Important priorities identified through these statewide initiatives include:

- The need for an improved statewide voter registration system.
- Establish a statewide uniform voting system

A re-write of the statewide voter registration system was abandoned due to insufficient resources. The need for a new system is critical as the State prepares for the 2010 census and subsequent reapportionment. The statewide uniform voting system and related improvements are the top priority to be met through the HAVA State Plan. As a result of these combined efforts, South Carolina's vision of a high-capability, comprehensive statewide voting program will be realized.

State Plan

The South Carolina State Plan is organized as specified by HAVA and includes the following components, each of which is addressed within this document.

HAVA Component	HAVA Description	Cross-Reference to HAVA HR3295
Meeting Title III Requirements and Other Activities	How the State will use the requirements payment to meet the requirements of title III, and if applicable under Section 251 (a)(2), to carry out other activities to improve the administration of elections.	Section 254 (a) (1)
Payment Distribution and Monitoring	How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph(8).	Section 254 (a) (2)
Provision for Education and Training	How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.	Section 254 (a) (3)
Voting System Guidelines and Processes	How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.	Section 254 (a) (4)
Fund for Administering State Activities	How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.	Section 254 (a) (5)
Proposed State Budget	The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on (A) the costs of the activities required to be carried out to meet the requirements of title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.	Section 254 (a) (6)
Maintenance of Prior Year Expenditures	How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.	Section 254 (a) (7)
Performance Goals and Measures	How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.	Section 254 (a) (8)
Administrative Complaint Procedures	A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.	Section 254 (a) (9)
Use of Title I Payment	If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.	Section 254 (a) (10)

HAVA Component	HAVA Description	Cross-Reference to HAVA HR3295
Ongoing Management of Plan	How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the law unless the change (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).	Section 254 (a) (11)
Previous Year Plan	In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.	Section 254 (a) (12)
Committee	A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.	Section 254 (a) (13)

1. Meeting Title III Requirements and Other Activities

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

1.1 Current Status

Voter Registration System

South Carolina has had a statewide voter registration system in place since 1968. The capability of this system was expanded in 1992 to connect all counties via interactive access to the voter registration system. A project to re-write the system using web based technology was abandoned due to lack of resources. The need for a new system becomes more and more critical as we near the 2010 census and subsequent reapportionment.

Training

Two types of certification for County Voter Registration Boards and Election Commissions are offered: 1) Voter Registration or Election Commission Members and Directors, and 2) Voter Regis tration or Election Commission Staff.

By law, South Carolina counties provide training for Poll Managers. The State Election Commission supports this training with a comprehensive manual, updated every year based on changes in the law.

The State Training Coordinator trains municipalities on how to conduct municipal elections.

South Carolina Election Systems in Use Prior to November 2004 Prior to the enactment of HAVA, South Carolina used seven different types of voting equipment in its 46 counties. There were 24 counties with five different direct recording electronic (DRE) machines; 10 counties utilizing punch cards and 12 counties on a mark sense optical scan system. Additionally, there were a number of dissimilar absentee voting systems in use. Punch card voting systems were scheduled to be replaced with electronic voting equipment by November 2004.

Election System	County
Danaher Controls 1242 DRE	Allendale, Bamberg, Barnwell, Berkeley, Charleston, Dorchester, Edgefield, Fairfield, Hampton, Horry, Marion, Spartanburg
MicroVote MV-464 DRE	Darlington, Dillon, Marlboro, Richland
MicroVote Infinity DRE	Chester, Colleton, Jasper, Pickens
Unilect Patriot DRE	Georgetown, Lancaster, Newberry
ES&S Votronic DRE	Greenwood
ES&S Optical Scan System	Abbeville, Calhoun, Chesterfield, Clarendon, Laurens, Lee, McCormick, Orangeburg, Saluda, Union, Williamsburg
Diebold Optical Scan	Beaufort
Punch Card	Aiken, Anderson, Cherokee, Florence, Greenville, Kershaw, Lexington, Oconee, Sumter, York

South Carolina Election Systems by County Prior to 2004

County	Voting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Abbeville	Optical Scan	Optical Scan	2	15	15,725
Aiken	Punch Card	Optical Scan	462	73	84,777
Allendale	DRE	Optical Scan	15	9	6,586
Anderson	Punch Card	Punch Card	650	76	95,844
Bamberg	DRE	Optical Scan	32	14	10,127
Barnwell	DRE	Paper Ballot	44	16	12,300
Beaufort	Optical Scan	Optical Scan	92	78	75,486
Berkeley	DRE	Optical Scan	181	51	77,529
Calhoun	Optical Scan	Optical Scan	2	13	10,189
Charleston	DRE	Optical Scan	541	174	196,370
Cherokee	Punch Card	Punch Card	200	34	30,963
Chester	DRE	MicroVote	80	23	20,576
Chesterfield	Optical Scan	Optical Scan	1	30	23,326
Clarendon	Optical Scan	Optical Scan	60	26	20,847
Colleton	DRE	Optical Scan	52	33	21,067
Darlington	DRE	Optical Scan	121	34	39,386
Dillon	DRE	Optical Scan	42	21	19,170
Dorchester	DRE	Optical Scan	152	37	61,267
Edgefield	DRE	MicroVote	32	12	15,211
Fairfield	DRE	Optical Scan	30	23	14,385
Florence	Punch Card	Punch Card	410	64	75,569
Georgetown	DRE	Unilect	156	35	35,724
Greenville	Punch Card	Punch Card	1323	136	233,723
Greenwood	DRE	Optical Scan	160	34	37,006

County	Voting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Hampton	DRE	Optical Scan	36	19	14,027
Horry	DRE	Optical Scan	242	109	130,803
Jasper	DRE	Optical Scan	46	15	12,303
Kershaw	Punch Card	Punch Card	230	31	35,603
Lancaster	DRE	Unilect	130	28	34,486
Laurens	Optical Scan	Optical Scan	34	35	36,847
Lee	Optical Scan	Optical Scan	2	25	13,405
Lexington	Punch Card	Punch Card	800	69	137,923
Marion	DRE	Optical Scan	60	18	22,904
Marlboro	DRE	Optical Scan	41	16	18,971
McCormick	Optical Scan	Optical Scan	1	11	6,812
Newberry	DRE	Unilect	95	31	20,835
Oconee	Punch Card	Punch Card	200	30	39,240
Orangeburg	Optical Scan	Optical Scan	60	54	60,296
Pickens	DRE	Optical Scan	250	53	60,455
Richland	DRE	Optical Scan	765	111	200,855
Saluda	Optical Scan	Optical Scan	1	19	11,393
Spartanburg	DRE	Punch Card	245	88	147,860
Sumter	Punch Card	Punch Card	450	53	62,011
Union	Optical Scan	Optical Scan	1	28	10,272
Williamsburg	Optical Scan	Optical Scan	1	34	23,351
York	Punch Card	Punch Card	689	57	98,897

1.2 Voting System Options Considered

The Help America Vote Act of 2002 defines a voting system as follows:

1. "the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used (A) to define ballots; (B) to cast and count votes; (C) to report or display election results; and (D) to maintain and produce any audit trail information; and"

2. "the practices and associated documentation used – (A) to identify system components and versions of such components; (B) to test the system during its development and maintenance; (C) to maintain records of system errors and defects; (D) to determine specific system changes to be made to a system after the initial qualification of the system; and (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots)."

In addressing the requirements of HAVA, the voting system standards team considered three options in order to meet the mandates. The three options were presented to the entire HAVA State Plan task force for consideration:

- Option 1: Upgrade existing systems to meet or exceed HAVA requirements

  As indicated above, the myriad systems previously used in South Carolina created problems in the area of voter education, programming, candidate uniformity on ballots, election night reporting of results to the state, etc. This option would not have solved these shortcomings..

- Option 2: Electronic voting systems in all counties

  This option would have required each county to purchase a federal and state approved DRE system of their choosing. Although this option would have achieved the goals under HAVA, the state would have continued to have a variety in the types of equipment it used.

- Option 3: Statewide uniform electronic voting system

  This option would have provided a uniform system of voting for every county in the state. This option would standardize the election process including voter education in the state, poll worker training, uniformity of Federal and State offices in ballot and machine programming, etc.

Having considered the various options to comply with HAVA Title III requirements relating to voting system equipment and based on facts and the pros and cons of the three options, the entire task force decided on a statewide uniform electronic voting system to best meet the needs of HAVA and the State of South Carolina (Option 3).

The following approach was taken to select a statewide system:

- A consultant experienced in conducting needs assessments and writing Requests for Proposal (RFP) was contracted.

- A committee consisting of the State Election Commission, county election commissions and boards of registration, and other stakeholders such as organizations for the disabled, was assembled to work with consultant to determine the specifications for a statewide system.

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

- An evaluation committee was assembled for meetings to evaluate vendor responses to the RFP. The membership of the committee will be made up of state and county election officials.

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

1.3 Voting System Standards

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

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) REQUIREMENTS – Each voting system used in an election for Federal office shall meet the following requirements.				
(1) IN GENERAL –				
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall –				
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Yes			The statewide voting system chosen for the State has a review screen for each voter to verify their selections before casting their ballot.
(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error), and	Yes			The statewide voting system chosen for the State allows each voter to make changes based on the information presented on a review screen.
(iii) if the voter selects votes for more than 1 candidate for a single office – (I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot, (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and, (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Yes			The statewide voting system chosen for the State will not allow a voter to choose more than one candidate for a single office.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by –				
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Yes			Specific instructions were produced for the statewide voting system currently used in the State. These instructions will be given to each voter in written form. In addition, absentee ballots will be accompanied by written instructions that address this requirement.
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).	Yes			Specific instructions were produced for the statewide voting system currently used in the State. These instructions will be given to each voter in written form. In addition, absentee ballots will be accompanied by written instructions that address this requirement.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Yes			Instructions mentioned in B(ii) are posted inside the polling place and inside the voting booth.
(2) AUDIT CAPACITY –				
(A) IN GENERAL – The voting system shall produce a record with an audit capacity for such system.	Yes			The statewide voting system currently used in the State has the necessary audit capacity.
(B) MANUAL AUDIT CAPACITY –				
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Yes			The statewide voting system currently used in the State produces an image of each vote cast; however, these votes cannot be associated with any particular voter.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Yes			The statewide voting system currently used in the State provides the voter with a review screen and an opportunity to change the ballot or correct any error before the permanent paper record is produced.
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Yes			County election officials are instructed to retain and secure the paper record in the event that a recount is ordered.
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES – The voting system shall –				
(A) be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;	Yes			The statewide voting system currently used in the State is accessible to individuals with disabilities, including the blind and visually impaired. Each county has one such unit in each precinct.
(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Yes			Each polling place in the State has at least one voting unit for the disabled.
(C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting system standards for disability access				Does not apply at this time
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY – The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	Yes			South Carolina currently meets this requirement. While South Carolina is not required, based on the 2000 census and the Voting Rights Act of 1965, to provide alternative language to any jurisdiction in the State, the statewide voting system currently used in the State contains this feature.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(5) Error Rates – The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Yes			The statewide voting system currently used in the State hass been State Certified which includes certification by an Independent Testing Authority (ITA) as having met or exceeded federal voting system standards as required by the S.C. 1976 Code of Laws.
(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE – Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	Yes			A procedure for determining what constitutes a vote on the statewide voting system has been developed.

1.4 Provisional Voting & Voting Information Requirements

The chart below takes each of the Provisional Voting and Voting Information requirements and describes South Carolina's plan metthe requirement.

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) PROVISIONAL VOTING REQUIREMENTS – If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual shall be permitted to cast a provisional ballot as follows:				
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Yes			South Carolina currently meets this requirement. South Carolina legislation requires that voters who have moved and neglected to change their address will have the opportunity to vote using the Failsafe procedure. Also, legislation is in place to accommodate voters who are challenged.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is (a) registered voter in the jurisdiction in which the individual desires to vote; and (b) eligible to vote in that election.	Yes			South Carolina currently meets this requirement. Each voter signs an oath with this language before receiving a ballot.
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Yes			South Carolina currently meets this requirement. The voter's ballot is placed in a provisional ballot envelope which contains various information about the voter.

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Yes			South Carolina currently meets this requirement. Information contained on the provisional ballot envelope used by local election officials to determine the validity of the voter is reported at a certification hearing within three days after the election. If the vote is determined to be valid it is counted at the certification hearing.
(5) (A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Yes			When a voter casts a provisional ballot, that ballot will be placed in a provisional ballot envelope. Written instructions will be given to the voter on determining whether their vote was counted in the election.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Yes			A website application allows the voter to determine whether their vote was counted or, if their vote was not counted, the reason it was not counted. A toll-free telephone number was installed at the State Election Commission for voters to call and determine if their vote was counted and, if their vote was not counted, the reason it was not counted. This number is 1-877-728-6846
(b) VOTING INFORMATION REQUIREMENTS –				
(1) PUBLIC POSTING ON ELECTION DAY – The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.				See (2) below for public posting of specific voting information.
(2) VOTING INFORMATION DEFINED – In this section, the term "voting information" means –				
(A) a sample version of the ballot that will be used for that election;	Yes			South Carolina currently meets this requirement. Poll managers at each polling place are required to display a sample ballot.
(B) information regarding the date of the election and the hours during which polling places will be open;	Yes			South Carolina currently meets this requirement. This information is currently listed on a Voter's Rights and Responsibilities poster which is displayed at each polling

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
				location.
(C) instructions for how to vote, including how to cast a vote and how to cast a provisional ballot,	Yes			South Carolina meets this requirement. Instructions for all voting systems currently in use are provided at the polling locations. A poster of the *voter's bill of rights* is displayed. Provisional ballot instructions are included in this *bill of rights*.
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Yes			South Carolina currently meets this requirement by providing written instructions to these voters.
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Yes			South Carolina currently meets this requirement by posting a Voter Rights and Responsibilities poster at every polling location.
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Yes			This information has been added to our current Voter Rights and Responsibilities poster.
(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE – Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting as provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.	Yes			South Carolina has established a procedure for provisional ballots cast by voters in accordance with a court order extending the time established for closing the polls.

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

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

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS				
(1) IMPLEMENTATION –				
(A) IN GENERAL – Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list"), and includes the following:	Yes			South Carolina currently meets this requirement. A statewide voter registration system has been used in the State since 1968. SC currently maintains a single, uniform, official, centralized, interactive computerized statewide voter registration system at the state level. All 46 counties are connected to the statewide voter registration system. Additions and changes made by the county offices and State office to the voter registration file are interactive.
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Yes			South Carolina currently meets this requirement. The statewide voter registration system is housed at the State data center in Columbia and maintained by the State Election Commission. The State Election Commission provides an official list of registered voters for each election held in South Carolina.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Yes			South Carolina currently meets this requirement. Computerized list contains name, address, SS#, date of birth, precinct, and election districts for every legally registered voter in South Carolina.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Yes			South Carolina currently meets this requirement. The system assigns each voter a unique registration number at the time they

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
				register to vote.
(iv) The computerized list shall be coordinated with other agency databases within the State.	Yes			South Carolina currently meets this requirement. DMV, DSS, and other state agency databases are coordinated through Motor Voter processes. The counties access a file received on a weekly basis from these agencies to approve applications made through NVRA.
(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	Yes			South Carolina currently meets this requirement. All local and state election officials have access to this file. Each local election official is assigned a USERID and password that must be used to access the official file of registered voters. Voters can also inquire via the SEC website to look at their own record to check status, address, election districts, and polling place by keying in their name and date of birth.
(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	Yes			South Carolina currently meets this requirement. Local election officials have access to database constantly to enter new voter registrations or updates to voter's record on a real time basis.
(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).	Yes			South Carolina currently meets this requirement. Local voter registration officials have access to the official file on a continuous basis. Technical support is provided through staff at the State Election Commission and a Help Desk.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Yes			South Carolina currently meets this requirement. The State Election Commission currently prints and sends the official list of registered voters to the county for use in all elections that are held in the State.
(B) EXCEPTION – The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.				Does not apply. South Carolina requires potential voters to register to vote.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(2) COMPUTERIZED LIST MAINTENANCE –				
(A) IN GENERAL – The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:				
(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Yes			South Carolina currently meets this requirement. The State Election Commission is the only one authorized to remove names from the official list of registered voters.
(ii) For purposes of removing names of ineligible voters from the official list of eligible voters –				
(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and	Yes			South Carolina currently meets this requirement. Felony records are removed by the State upon notification from courts of felony convictions on a monthly basis.
(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death	Yes			South Carolina currently meets this requirement. Deaths are removed by the State upon notification from DHEC on a monthly basis.
(iii) Notwithstanding the preceding provisions of this paragraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.	Yes			South Carolina currently meets this requirement. In accordance with the NVRA of 1993, a confirmation card policy is in effect and appropriate voters are removed as required.
(B) CONDUCT – The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that –				
(i) the name of each registered voter appears in the computerized list;	Yes			South Carolina currently meets this requirement.
(ii) only voters who are not registered or who are not	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
eligible to vote are removed from the computerized list; and				Name, SS#, and date of birth verified on each voter before name removed from voter registration file.
(iii) duplicate names are eliminated from the computerized list.	Yes			South Carolina currently meets this requirement. State Election Commission performs quarterly comparison using SS# and date of birth. A report is generated listing all duplicate records. This report is distributed to County Registration Boards for confirmation before names are actually deleted by State Election Commission.
(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST – The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Yes			South Carolina currently meets this requirement. Old System: This IDMS mainframe system is secured by RACF. It is deployed over a SNA network or by EZ3270 TCP/IP emulator over the internet. The transmission of data is encrypted. New System: The users of this web application will be authenticated by an LDAP server. Each user will be assigned a unique USERID and password. The application will be deployed over a secured Internet connection using HTTPS.
(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS – The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:	Yes			South Carolina currently meets this requirement.
(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	Yes			South Carolina currently meets this requirement. South Carolina has a confirmation mailing procedure consistent with the National Voter Registration Act of 1993.
(B) Safeguards to ensure that eligible voters are not removed	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
in error from the official list of eligible voters.				Name, SS#, and date of birth are compared on each voter before removal.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION –				
(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS –				
(i) IN GENERAL – Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes –				
(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or	Yes			SC law requires full Social Security Number and does not accept the driver's license number as a valid alternative.
(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.	Yes			South Carolina currently meets this requirement. SC requires full Social Security Number.
(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER – If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the lists assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	Yes			SC law requires full Social Security Number. Our voter registration system assigns a voter registration number to each applicant that is unique to each voter.
(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED – The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B) REQUIREMENTS FOR STATE OFFICIALS –				
(i) SHARING INFORMATION IN DATABASES – The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.	Yes			Not applicable in South Carolina because the entire social security number is required by State law, and thus the State falls under (D) Special Rule for Certain States.
(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY – The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).				Not applicable in South Carolina because the entire social security number is required by State law, and thus the State falls under (D) Special Rule for Certain States.
(C) ACCESS TO FEDERAL INFORMATION –				South Carolina requires the full social security number by State law.
(D) SPECIAL RULE FOR CERTAIN STATES – In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974, the provisions of this paragraph shall be optional.				South Carolina requires the full social security number by State law.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL –				
(1) IN GENERAL – Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if –				
(A) the individual registered to vote in a jurisdiction by mail; and	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B)(i) the individual has not previously voted in an election for federal office in the State; or	Yes			South Carolina currently meets this requirement.
(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).	Yes			South Carolina currently meets this requirement.
(2) REQUIREMENTS –				
(A) IN GENERAL – An individual meets the requirements of this paragraph if the individual –				
(i) in the case of an individual who votes in person –				
(I) presents to the appropriate State or local election official a current and valid photo identification; or	Yes			South Carolina currently meets this requirement. Each voter is required to present one form of ID when voting in person: valid SC driver's license with current address, or photo ID issued by DMV with current address, or as shown below, a voter registration certificate.
(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or	Yes			South Carolina law does not permit the presentation of one specific government document – the voter registration certificate - to identify the voter.
(ii) in the case of an individual who votes by mail, submits with the ballot –				
(I) a copy of a current and valid photo identification; or.	Yes			South Carolina currently meets this requirement.
(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.	Yes			South Carolina law permits the presentation of one specific government document – the voter registration certificate - to identify the voter.
(B) FAIL-SAFE VOTING –				
(i) IN PERSON – An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under	Yes			South Carolina currently meets this requirement. SC provides provisional ballots at each precinct.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
section 302(a).				
(ii) BY MAIL – An individual who desires to vote by mail, but who does not meet the requirements of subparagraph (A)(ii), may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).	Yes			South Carolina currently meets this requirement. SC provides provisional ballots for this purpose. The ballots are placed in a provisional envelope and kept separate from other absentee ballots until they are counted.
(3) INAPPLICABILITY – Paragraph (1) shall not apply in the case of a person –				
(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 and submits as part of such registration either	Yes			South Carolina currently meets this requirement.
(i) a copy of a current and valid photo identification; or	Yes			South Carolina currently meets this requirement. The voter registration system was modified to track whether voters who register by mail provide the proper ID. If proper ID is not provided, a notation will appear to the poll managers to obtain this information before allowing the voter to cast a ballot.
(ii) a copy of a current utility bill, bank statement, government check, pay check, or government document that shows the name and address of the voter;	Yes			South Carolina currently meets this requirement.
(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either –	Yes			South Carolina currently meets this requirement.
(I) a driver's license number; or	Yes			SC law requires full Social Security Number and does not accept the driver's license number as a valid alternative.
(II) at least the last 4 digits of the individual's social security number; and	Yes			South Carolina currently meets this requirement. SC requires applicant's complete SS# on all applications.
(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an	Yes			South Carolina currently meets this requirement.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
existing State identification record bearing the same number, name and date of birth as provided in such registration; or				
(C) who is –				
(i) entitled to vote by absentee ballot under the Uniformed and Oversea Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Yes			South Carolina tracks this exemption on applicant's electronic record by identifying applicant as UOCAVA.
(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or	Yes			South Carolina meets this requirement through automatic processing in the voter registration system and through poll worker training.
(iii) entitled to vote otherwise than in person under any other Federal law.	Yes			South Carolina meets this requirement.through automatic override in the voter registration system.
(4) CONTENTS OF MAIL-IN REGISTRATON FORM –				
(A) IN GENERAL – The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following·				
(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.	Yes			This question appears on all voter registration by mail applications used in South Carolina.
(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.	Yes			This question appears on all voter registration by mail applications used in South Carolina.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form".	Yes			This statement appears on all voter registration by mail applications used in South Carolina.
(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.	Yes			This statement appears on all voter registration by mail applications used in South Carolina.
(B) INCOMPLETE FORMS – If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).	Yes			Standard procedure is that all county offices will notify voters that their application was incomplete and give them a period of time to submit missing information.
(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS – The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5U.S.C. 522a note).				
(d) EFFECTIVE DATE –				

2. Payment Distribution and Monitoring

How the State of South Carolina will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in "1. Meeting Title III Requirements and Other Activities," including a description of the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under "8. Performance Goals and Measures."

Eligibility of Local Units to Receive the Payment

The State Election Commission centrally manages the initiatives funded through HAVA. The SEC is responsible for accounting for all expenditures, funding levels, program controls, and outcomes.

The SEC implemented HAVA by providing equipment, supplies, services, and training programs and materials to the counties. All counties in South Carolina were beneficiaries of the improvements funded by HAVA:

- As part of the statewide uniform voting system, counties received one voting unit for every 200 registered voters (based on 2003 voter registration statistics).
  - Counties who used vote recorders during November 2000 and have since replaced them with HAVA Section 301 compliant electronic voting systems are eligible for reimbursement[1] of the voting system costs if:
    1. The county adopts the statewide voting system and,
    2. Excess funds designated for the implementation of a statewide voting system are available after implementation of all phases referenced in section *6. Proposed State Budget*
- If a county in this State had chosen not to participate in the statewide uniform electronic voting system, the county would have received funding to purchase 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place by January 1, 2006.
- Education programs were developed by the SEC for county election commissions and boards of registration and staff.

[1] Reimbursement will be made following the county's resale of previously purchased voting machines. The State will reimburse the difference between the original purchase price and the fair market value received upon sale of voting machines. This reimbursement will not exceed 50% of the original purchase price of the machines.

- Training programs and materials were developed by the SEC and distributed to county election commissions to conduct consistent Poll Manager training.

- Voter education programs and materials were developed by the SEC and distributed to county election commissions and boards of registration.

Performance Measures for Local Units

Funds are centrally managed. The SEC monitors the performance of each initiative that is funded by requirements payments in the following areas:

- **Financial Controls**: Working with the State Budget Office, State Treasurer, and State Comptroller General, SEC will develop and use standard financial reporting for all initiatives funded by HAVA. SEC will be prepared for periodic federal audits.

- **Compliance with Standards**: SEC developed and used standard program management reporting for all initiatives funded by HAVA. The State Auditor's Office conducts a statewide single audit to ensure that the SEC complies with all Federal laws, regulations and program compliance requirements.

- **Program Results**: SEC developed key performance indicators for each initiative funded by HAVA. See *Component 8: Performance Goals and Measures* for specific goals and measures.

3. Provision for Education and Training

How the State of South Carolina will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

3.1 Training for Election Officials

As mandated by South Carolina law, the SEC currently administers a statewide election official training and certification program. This program provides professional development courses related to the voter registration and election community to all members and staff of the County Voter Registration Boards and Election Commissions.

To receive certification, a voter registration or election official or staff member must complete required components, including core components and electives, within 18 months of their appointment or date of hire. Following initial certification, each official must take at least one training course each year to remain certified.

Two types of certification are offered:

- Voter Registration or Election Commission Members and Directors

  This certification requires completion of three core courses (Duties of Voter Registration Board, Duties of Election Commission, Budgeting/Reimbursement of Election Expenses), two voter registration/election electives, and two additional electives.

- Voter Registration or Election Commission Staff

  This certification requires completion of two core courses (Absentee Registration/Balloting, Office Procedures), two voter registration/election electives, and one additional elective.

Various components are offered each quarter throughout the year. Components are held in Columbia, regionally and in conjunction with an annual conference for voter registration and election officials.

County Election Commissioners and Board of Voter Registration members must attend poll manager training and receive poll manager certification within 18 months of their appointment. County Election Commissioners are required to monitor polling places all day on Election Day.

3.2 Training for Poll Managers

Note: Since South Carolina law defines "Poll Workers" as "Poll Managers," this section refers to Poll Managers, instead of Poll Workers.

As mandated by South Carolina law, training for Poll Managers is a county responsibility. In accordance with South Carolina state law, all managers are required to attend refresher training/briefings within 30 days of an election. County election commissions will be encouraged to conduct these sessions on different days and times to make them more accessible.

Every Poll Manager will be certified using a standardized training and testing program. This training and testing program will be developed by the SEC and various county election officials. Recertification will be required prior to each statewide primary or general election.

The following topics will receive special focus in the standardized training and testing program:

- Basic state and federal laws and processes governing elections
- Operating the voting system
- Intensive training on provisional ballots
- Sensitivity training for processing all voters with emphasis on those who need special assistance (Illiteracy, Non-English speakers / readers)
- The rights of people with disabilities, the required accessibility of polling places to people with disabilities, and how to facilitate people with different disabilities
- Procedures to verify that the voter is in the correct precinct and to direct the voter to correct precinct, if needed

Testing will be "open book" to reflect the reality that poll managers are permitted to search provided handbooks for information needed to address situations at the polls.

Certification training will be conducted year round at different times of day and on different days of the week. The state's technical colleges and public television system may also be used to present training sessions. Training materials developed by the state will include a demonstration video, presentation material, and a Poll Manager handbook. Materials will be available through the SEC website. Certified managers will receive both a certificate and a badge.

Persons with disabilities will be encouraged to become poll managers.

3.3 Training for Voters

Expanded voter training will be part of the implementation of the HAVA State Plan. The SEC will produce voter training material, and the counties will coordinate implementation of voter training.

As a statewide uniform electronic voting system is implemented, it will be important to get visibility and generate voter interest. A brochure and a video will be developed to promote the voting system as simple to operate, to encourage the voter to participate on Election Day, and to provide instructions on updating voter registration information. The brochure should be printed in sufficient quantities to use as handouts at voter registration offices, drivers license offices, and other government facilities. Also, the brochure and the video should be published on the website.

On an on-going basis, a concerted effort should be made to educate voters about referenda before they go into the voting booth.

Special effort will be made to reach voters with disabilities and let them know how much easier it will be to vote with the new system and improvements in the polling places. It is critical that voter information, including publications and brochures, be made available through communication vehicles that are accessible and frequently used by people with disabilities, for example:

- A well-designed fully accessible website
- E-Mail to distribution lists provided by selected disability groups (statewide cross-disability organizations can help identify disability groups)
- Non-profit organizations and other non-governmental organizations
- State agencies that work with the disability community

South Carolina County Election Commissions are encouraged to participate in mock elections and other voter education programs such as conducting elections in schools. Mock elections are a way to educate students and their families and to recruit and train high school students as Poll Managers.

County Election Commissions will be encouraged to demonstrate the voting system at public locations prior to an election. These demonstrations are opportunities to register voters, update voter registration information, and recruit Poll Managers.

3.4 Other Interested Citizens

Candidates, their workers, and poll watchers will be encouraged to take the certification training. Attendees will receive a candidate's guide to elections and the Poll Manager

handbook, both of which have been developed by the SEC. This will provide them with more information on Election Day processes and prevent misunderstandings between Poll Managers and poll watchers.

4. Voting System Guidelines and Processes

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

As outlined in *Component 1: Meeting Title III Requirements and Other Activities*, South Carolina decided to implement a statewide uniform electronic voting system and processes.

The voting system chosen through the RFP process involved State and County Election Commission officials, consultants, and other State agency personnel as needed. The RFP ensured that the system selected met South Carolina election laws and all requirements outlined in section 301 of HAVA.

The SEC will define and document uniform voting processes and update the relevant training material. As required by law, before any changes are made to processes that affect the voters, the proposed process will be presented for review and approval by the Justice Department under the Voting Rights Act of 1965.

5. Fund for Administering State Activities

How the State of South Carolina will establish a fund for purposes of administering the State's activities, including information on fund management.

Working with the Budget and Control Board, the South Carolina Election Commission established a new program where the funds are kept separate from all other programs within the agency. The program contains both federal funds and general funds. The federal fund portion will be used to maintain federal funds and the general fund portion will be used to maintain funds which are reserved under the 5% match required by HAVA.

The South Carolina Election Commission and the State Budget Office will work with the State Comptroller and the State Treasurer to follow and enforce all mandated fiscal controls and policies.

6. Proposed State Budget

The State of South Carolina's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including (A) specific information on the costs of the activities required to be carried out to meet the requirements of Title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.

The implementation of HAVA in South Carolina will take place over four calendar years, as follows:

Year	Implementation
2003	◆ Voter registration System enhancements ◆ Administration of State Plan ◆ Voter education and poll worker training
2004	◆ Voting system purchases (15 counties) ◆ Administration of State Plan ◆ Voter education and poll worker training ◆ Automate voter history
2005	◆ Voting system purchases (31 counties) ◆ Administration of State Plan ◆ Voter education and poll worker training ◆ Scanning/signature verification systems
2006	◆ Administration of State Plan ◆ Voter education and poll worker training
2009	◆ Voter Registration System ◆ Improvement of Election Administration

The implementation of this plan is contingent upon receipt of the associated federal funding. Implementation items may be combined if associated funds are received. Counties may implement ahead of their scheduled year if funds are available.

The total proposed funding will come from the following sources:

	Total Federal Funding	South Carolina Share of Federal Funds	South Carolina Matching Funds
Early payments	$ 650,000,000	$ 6,900,000	Not applicable
2003	$ 850,000,000	$11,602,190	$ 610,642
2004	$ 1,300,000,000	$ 20,819,090	$ 1,095,742
2008	$ 115,000,000	$ 1,591,647	$ 83,771
2009	$ 100,000,000	$ 1,384,041	$ 72,844
Total Funding	**$ 3,015,000,000**	**$ 42,296,968**	**$ 1,862,998**

Total anticipated funding for South Carolina, prior to 2005, was approximately $48,550,000. Congress did not appropriate the expected allocation in 2005, however, since additional funding is available for 2008 and 2009, the figures below have been adjusted accordingly. Excess funds will be moved between categories and future appropriations will be applied to existing categories. The money will be used to carry out the requirements of Title III as follows:

				Federal Funding			
Category	**HAVA Requirements**	**Total Proposed**	**Total Expended**	**Section 101 Funds**	**Section 102 Funds**	**Section 251 Funds**	**State Match**
1	Statewide Voting System	$ 36,000,000	$ 34,680,415	$ 785,319	$1,998,330	$ 30,503,520	$ 1,393,246
2	Education	$ 2,200,000	$ 1,837,669	$ 702,932		$ 932,201	$ 202,536
3	Statewide Voter Registration System Upgrade	$ 170,000	$ 169,288	$ 136,799		$ 31,539	$ 950
4	Voter Registration and Outreach Programs	$ 3,200,000	$ 2,933,969	$ 1,858,512		$ 965,806	$ 109,652
5	Administration Of State Plan	$ 300,000	$ 297,546	$ 297,546			
6	Election Administration Improvements	$ 3,530,000	$ 0				
		Total	**$ 39,918,887**	**$ 3,781,108**	**$1,998,330**	**$ 32,433,066**	**$ 1,706,384**

The Election Administration Improvements category was added to allocate funds for use in projects to improve the administration of elections and voter registration such as, but not limited to, a new voter registration system and electronic poll book solutions.

7. Maintenance of Prior Year Expenditures

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

Consistent with HAVA §254(a)(7), in using any requirements payment, South Carolina will maintain expenditure of the State for activities funded by the payment at a level equal or greater than the level of such expenditures in State Fiscal Year 2000.

The SEC has taken several reductions to the base budget since 2000. To absorb those reductions, operating expenses have been cut drastically by condensing office space, leaving vacant positions unfilled, and a reduction in force plan was implemented which eliminated one full time employee.

During the 2003 legislative session, the South Carolina General Assembly did not provide any funds for the 2004 Statewide Primaries. However, all HAVA funds will be maintained completely separate and no HAVA funds will be used to offset either the general fund or primary election fund shortfalls.

The State budget represents only a small portion of the statewide aggregate operating budget expenditures needed to sustain elections in a given fiscal year, since by South Carolina law the great majority of election administration resources are provided at the county level.

South Carolina's 46 local election office budgets typically support year-round core staff and operating expenses for continuous functions such as voter registration, information services, and IT support. In addition, county registration boards and election commissions provide the significant increase in funding associated with each specific election – for Poll Managers, temporary office staff, ballot production, mass mailings, election-day support (including personnel, equipment, and supplies), etc. In some cases, key election support resources provided at the county level may not even be included within election office budgets, but are provided through other county agencies and donations.

It is therefore important to note that the projected HAVA budget set forth in *Chapter 6: Proposed State Budget* is based on the critical budget assumption that the State will mandate that this foundation of county-funded election operations be maintained at existing levels. Without this foundation in place, the short-term infusion of funds HAVA provides would not be sufficient to maintain new State election environment in the long term.

8. Performance Goals and Measures

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

The State Election Commission along with members of the South Carolina Association of Registration and Election Officials (SCARE) will establish performance goals and measure progress of achieving these goals. A list of preliminary Plan goals is provided below. An advisory team, including County Election officials, was appointed to oversee plan management and compliance with HAVA. This advisory team will review the goals of the plan on an on-going basis and make any changes necessary.

An important goal of the advisory team is to ensure a smooth transition for the local election commissions into a statewide uniform electronic voting system while complying with HAVA requirements. The SEC will determine the goals, measurements, and related timeframes in accordance with requirements outlined in HAVA.

The following is a list of plan elements, preliminary plan goals under consideration, the SEC division in charge of ensuring the element is met, and the timeframe for meeting such element of the plan.

Plan Element	Preliminary Plan Goals Under Consideration	Division	HAVA Timeframe
Voting System (§301)	▪ Uniform electronic system implemented statewide ▪ Statewide voting system will accommodate as many disabled voters as possible ▪ Voter can verify / change ballot before casting ▪ Voter is informed or prevented from casting votes for multiple candidates for single office ▪ Disabled voters have accessibility to polling place ▪ Manual audit capability ▪ Uniform definition of what constitutes a vote	Voter Services Training and Public Information	1/1/06
Provisional Voting (§302)	▪ Voter can ascertain whether a provisional vote was counted and obtain an explanation if the vote was not counted ▪ Additional voting instructions posted for provisional voting and for prohibitions on fraud	Voter Services Training and Public Information	1/1/04

Plan Element	Preliminary Plan Goals Under Consideration	Division	HAVA Timeframe
Voter Registration (§303a &303b, 101, 304, 305)	▪ Procedures established to track receipt of identification at registration ▪ Mail voter registration form revised to add mandated questions and procedures revised to notify voters of incomplete forms ▪ Implement image scanning and retention of the voter registration application, including the voter signature ▪ New voter registration system ▪ Electronic Poll Book solution	Voter Services	(303a) 1/1/06 (303b) 1/1/04 1/1/2010
Education (§254a3)	▪ Poll Manager training developed ▪ Poll Manager certification process implemented ▪ Poll Manager pre-election refresher training implemented ▪ Election officials included in Poll Manager training and certification ▪ Voter awareness and education plan implemented ▪ Disabled voter awareness and education plan implemented	Training and Public Information	11/1/04
Budget/Funding	▪ Legislated program established to isolate and manage federal and state funds ▪ Procedures established to track budget and actual expenditures	Administrative Services	6/1/04
Complaint Procedures (§402)	▪ Complaint process in place statewide ▪ Timely complaint resolution	Voter Services	1/1/04
Absentee Ballots for UOCAVA Voters (§704)	▪ Modify procedure to allow UOCAVA absentee voters to receive absentee ballots through the next 2 regularly scheduled general elections for Federal office.	Voter Services	1/1/04

Performance measures

There are areas that the management team will measure to collect data and report on performance. These include:

- **Schedule**: Are goals being met, timelines followed, or at least progression towards meeting goal/timelines?
- **Ability**: Are the right people hired to oversee the state management plan to make sure plan goals are met? Are there enough financial resources to maintain those hired?
- **Effectiveness:** Is the project meeting all expectations in regards to customer satisfaction (County Election Commissions, Boards of Voter Registration, and voters)?

Other plan elements will be added as needed. The SEC will monitor collected data for reporting purposes. This data will be distributed to local county election boards as well as to the SEC to monitor progress of ensuring all goals of HAVA are achieved.

9. Administrative Complaint Procedures

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

South Carolina implemented an administrative complaint procedure that complies with HAVA. This procedure has been posted to the SEC website.

Any person who believes a violation of HAVA Title III has occurred, is occurring or is about to occur may file a complaint. Complaints must be:

- in writing (use of complaint form is preferred)
- notarized
- submitted to the State Election Commission

Title III includes:

- Voting system standards
  - Requirements, audit capacity, accessibility, alternate languages, error rates, definition of what constitutes a vote
- Provisional voting
- Voting information
  - Public posting on election day
- Computerized statewide voter registration list
  - List maintenance, security, verification of voter registration information
- Registration by mail
  - Identification requirements, age and citizenship questions

State-Based Administrative Complaint Procedure

The Executive Director, or designee, will review all complaints to determine if a violation of HAVA Title III has occurred. If multiple complaints are filed for the same violation, they may be reviewed together.

If a violation has not occurred, the Executive Director may dismiss the complaint. If a violation has occurred, the Executive Director, or designee, will attempt to resolve the complaint and provide a remedy.

The Executive Director will release the findings for all complaints received. Findings will be mailed to complainant and any county involved. If the complainant is not pleased with the decision of the Executive Director, he/she may request an administrative hearing.

Alternate Dispute Resolution

If the Executive Director is unable to resolve the complaint within 90 days, the complaint shall be resolved within 60 days by the State Election Commission.

10. Use of Title I Payment

If the State of South Carolina received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

As shown in *Component 6: Proposed State Budget*, the HAVA Title I monies are an integral part of the overall funding for development and execution of the State Plan to improve administration of elections, and as such, will be used to comply with the requirements under Title III. The South Carolina Title I payment of $6,900,000 (May, 2003) represents approximately 14% of the total HAVA initiative and 36% of the 2003 budget.

The Title I monies provided initial funding to start the process. Activities initiated in 2003 include:

- Develop the State Plan
- Establish criteria for a statewide uniform electronic voting system
- Issue a Request for Proposal (RFP) for a statewide uniform electronic voting system
- Upgrade the voter registration system
- Modify supporting processes for voter registration
- Establish administrative complaint procedures
- Develop voter education and poll worker training
- Improve election administration
- Training of State Election Commission and County Election Commission Officials

Any monies remaining from the Title I payment will be applied toward purchase of the new voting system selected through the RFP process. All monies will be maintained by the SEC and no funds will be distributed directly to the counties unless approved by the HAVA Advisory Team.

11. Ongoing Management of Plan

How the State of South Carolina will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the law unless the change (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

The Executive Director of the S.C. State Election Commission is responsible for coordination of the State's responsibilities under this Act, and therefore ultimately responsible for the ongoing management of the State Plan.

The State Plan will serve as the roadmap for HAVA implementation. As stated in *Component 8: Performance Goals and Measures*, the State Election Commission will establish a State Plan advisory team to manage and oversee the statewide plan. This State Plan advisory team will audit performance goals and measures and publish any material changes. The team will meet on a regular basis with a frequency to be set by the team.

No material changes will be made unless the change is published in the Federal Register in accordance with HAVA §255, is subject to public notice in accordance with HAVA §256, and takes effect after the expiration of the 30 day period which begins on the date the change is published in the Federal Register in accordance with HAVA §255.

12. Previous Year Plan

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

Following is a summary of changes to the 2006 State Plan:

1. Meeting Title III Requirements and Other Activities

A project to re-write the statewide voting system was abandoned due to lack of resources. No HAVA funds were used for this project. The System currently in use was developed in 1968 and currently meets the requirements of HAVA; however, historical increases in election participation have placed a heavy burden on the system. This burden caused numerous performance issues within the system during the 2006 and 2008 General Elections.

The State Election Commission continues to administer the Federal Health and Human Services Accessibility grant funding for counties. This money is used to upgrade accessibility for the disabled to polling places in the state, as well as educating the disabled community on voter registration and elections. $103,615.12 was issued to county election commissions for this fiscal year.

A program was purchased to maintain historical election results and make them available through the SCVotes.org website.

2. Payment Distribution and Monitoring

The following chart depicts a high level view of payment distribution as of March 2009:

Category	HAVA Requirements	Amount Distributed
1	Statewide Voting System	$ 34,680,415
2	Education	$ 1,837,669
3	Statewide Voter Registration System	$ 169,288
4	Voter Registration and Outreach Programs	$ 2,933,969
5	Administration of State Plan	$ 297,546
6	Election Administration Improvements	$ 0
	Total	**$ 39,918,887**

$169,188 in Section 102 funds is being held awaiting a decision from the Election Assistance Commission on whether the funds will need to be returned because Sumter County did not meet the November 2, 2004 General Election deadline for replacing their punch card system. Sumter County became compliant in January 2005.

3. Provision for Education and Training

3.1 Training for Election Officials

This requirement was previously met. The SEC continues to maintain the State Training and Certification program without the use of HAVA funds.

3.2 Training for Poll Managers

An educational video concerning disability access to the statewide voting system was updated to assist in training poll managers about general solutions to various polling place inaccessibility issues.

3.3 Voter Education and Outreach

The Voter Education and Outreach Program was continued by focusing on senior citizens, voters with disabilities, and college and high school age students. A total of 136 outreach programs were conducted. These programs consisted of visits to high schools, colleges, senior centers, commissions on aging, disability awareness organizations and functions, as well as churches, fairs, and festivals. Visits included a presentation on voter registration and voting. One-on-one voting machine demonstrations were available to everyone. During the Outreach, the team visited editorial boards, television stations, and radio talk shows to gain additional media coverage.

The HAVA bus purchased in 2004 and outfitted with electronic voting machines, election information flyers, and a red, white and blue "Every Vote Matters, Every Vote Counts" design, continues to be utilized effectively. This bus is used to travel to scheduled sites, fairs, and festivals. It provided instruction to voters on how to use the voting system and also provided publicity of HAVA changes associated with voter registration and voting. Newspaper, radio, and publicity tactics were used to announce when and where the bus visited. In addition to the bus, campaign-themed tents, tables and backdrops were used to support the presentation at these events.

The HAVA Voter Education and Outreach team worked to have the SC Governor and General Assembly declare September "Voter Education Month." The month began with a kick-off press conference at the Statehouse. Speakers included leaders from a number of voter-pertinent organizations such as the State Office on Aging, SC Chamber of Commerce, members of the General Assembly, and voter rights advocates. Many county election directors and staff were present. The focus was voter registration, absentee, and the importance of both. The branded theme "Every Vote Matters, Every

Vote Counts" was reinforced. Voter Education Month produced great news coverage throughout the state allowing our message to reach a large number of voters

A video was produced for voters who are deaf or hard of hearing. This 4 minute video, requested by the S.C. Voting Disability Coalition, used visual, audio, closed-captioning, and American Sign Language as communication means for the viewer. The video, available at www.scvotes.org, was the first of its kind produced in S.C. for such an audience. It explains the step-by-step process of what to expect when going to the polling place.

3.4 Training for Political Parties

This requirement was previously met. The SEC continues to maintain the State Training and Certification program without the use of HAVA funds.

3.5 Other Interested Citizens

This requirement was previously met. The SEC continues to maintain the State Training and Certification program without the use of HAVA funds.

4. Voting System Guidelines and Processes

This requirement was previously met. The SEC continues to maintain the State Training and Certification program without the use of HAVA funds.

5. Fund for Administering State Activities

- $ 1,145,251 has been accrued in interest since 2005.

6. Proposed State Budget

No HAVA funding has been received since 2004. Spreadsheets were revised to reflect actual funds received prior to 2005 and funds allocated in 2008 and 2009..

7. Maintenance of Prior Year Expenditures

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

8. Performance Goals and Measures

Performance goals were established and are monitored by SEC staff.

9. Administrative Complaint Procedures

No complaints were received during this period.

10. Use of Title I Payment

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

11. Ongoing Management of Plan

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

13. Committee

A description of the committee which participated in the development of the South Carolina State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The HAVA State Plan task force provided broad representation across the state, and included representatives from state organizations, county organizations, legislators, and interested stakeholders.

Name	Organization
Adell Adams	Richland County Election Commission
David Alexander	Office of Research and Statistics
Marci Andino	State Election Commission
Susan Barden	S.C. State Senate Judiciary Committee
Russell Barrett	Florence County Election Commission
Garry Baum	State Election Commission
Conway Belangia	Greenville County Registration/Elections
James Blake	Marion County Voter Registration/Elections
Bobby Bowers	Office of Research and Statistics
Lesly Bowers	Protection and Advocacy for People with Disabilities
Marilyn Bowers	Pickens County Voter Registration/Elections
Tommie Brice	Calhoun County Voter Registration/Elections
Brett Bursey	S.C. Progressive Network
Hoyt Campbell	Darlington County Registration/Elections
Pete Cantrell	Protection and Advocacy for People with Disabilities
Mike Cinnamon	Richland County Election Commission
Eliza Claxton	NAACP
John Darby	Governor's Office
Rusty DePass	State Republican Party
Benjamin Duncan II	Governor's Office
Lelia Ferguson	Protection and Advocacy for People with Disabilities
Agnes Garvin	Beaufort County Voter Registration/Elections
Cheryl Goodwin	State Election Commission
Adlena Graham	NAACP
Wayne Hale	State Election Commission
Jim Harrison	S.C. House of Representatives
Betsy Hartman	Office of State CIO
Rita Henderson	Laurens County Voter Registration/Elections
Lynn Hill	Lee County Voter Registration/Elections

Name	Organization
Pat Jefferson	Sumter County Voter Registration/Elections
Ruth Jordan	NAACP
L.Z. Keitt	NAACP
Carol Khare	State Democratic Party
Carolyn Lecque	Charleston County Election Commission
Hannah Majewski	State Election Commission
Larry Martin	S.C. State Senate
Mariah C. Miller	NAACP
Thomas L. Moore	S.C. State Senate
Cindy Peel	State Election Commission
Cathy Pelletier	Disability Action Center, Columbia
Edith Redden	Williamsburg County Voter Registration/Elections
Janet Reynolds	State Election Commission
James H. Ritchie	S.C. State Senate
Shan Rose	League of Women Voters
Drew Royall	Department of Disabilities and Special Needs
Donna Royson	State Election Commission
John Russell	Governor's Office
John Scott	S.C. House of Representatives
Gary Simrill	S.C. House of Representatives
Steve Skardon	Palmetto Project
Gilbert Smith	S.C. Independent Living Council
Tanya Thompson	Protection and Advocacy for People with Disabilities
David Williams	Legislative Council, Columbia
Ron Wilson	York County Voter Registration/Elections

The task force was divided into five teams, each of which focused in depth on a specific functional area of HAVA: Administration and Funding, Education, Voting System Standards, Statewide Voter Registration System, and Accountability.

On-going management of the State Plan will be handled by the SEC with assistance from an advisory team appointed by the Chief Election Official. Members of this team are as follows:

Name	Organization
William B. DePass, Jr. Co-Chair	Former Chairman, State Election Commission
Steve Skardon, Jr. Co-Chair	Palmetto Project
Conway Belangia	Greenville County Voter Registration/Elections
Bobby Bowers	SC Office of Research and Statistics
Marilyn Bowers	Charleston County Voter Registration/Elections
Mike Cinnamon	Richland County Election Commission
Dean Crepes	Lexington County Voter Registration/Elections
Edith Redden	Williamsburg County Voter Registration

This proposed plan will be available for public inspection and comment for 30 days between May 13, 2009 and June 12, 2009.

Please send comments to Lori Guerrero at Post Office Box 40229, Olympia, Washington 98504. Or email her at lguerrero@secstate.wa.gov.

Washington State Plan

2009 Amendment

As required by the
HELP AMERICA VOTE ACT of 2002 (HAVA)

THE OFFICE OF THE SECRETARY OF STATE
5/13/2009

This is the first amendment to the original 2003 Washington State Plan to implement the Help America Vote Act of 2002 (HAVA). As of September 2006, Washington State was fully compliant with all requirements of HAVA. This amendment outlines the successes of the original plan and sets forth future goals and activities for use of additional HAVA funds.

In accordance with HAVA Section 255 the Office of the Secretary of State is pleased to file this amendment to sections 2, 3, 4, 7, 8, 9, 11, 12 and 13 of the original Washington State plan. In addition this amendment adds section 14 as required by HAVA.

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

Status as of this amendment: Requirements under Title III have been fully met.

Since Washington State is HAVA compliant, all remaining HAVA funds, future interest earned and any additional requirements payments given to Washington State will be spent on training election officials, educating voters, improving the accessibility of elections for individuals with disabilities, and making improvements to the administration of federal elections.

3. How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of—(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payments; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). (Sec. 254, (a)(2))

Status as of this amendment:

The Secretary of State will manage activities and projects funded by the HAVA requirements payments, and the state will account for all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

The Secretary of State established a local government grant program to assist county auditors in complying with HAVA requirements. Only County Auditors are eligible for local grant funding. Because our state is HAVA compliant, a portion of the requirements payments authorized in Title III will be allocated for local government grants.

The Secretary of State established a HAVA Grant Advisory Board (HGAB), consisting of three County Auditors, the director of elections, a former County Auditor and two members from the disability community. The HGAB is mainly responsible for developing, reviewing and making recommendations to the Secretary in all matters pertaining to the local county grant program. Experts on disability issues will continue to be consulted in developing grant criteria.

The Secretary of State will administer the grant program and will be responsible for meeting federal auditing requirements.

Examples of activities eligible for local government grant funding are listed below:

- Replacing or upgrading voting equipment;
- Purchasing additional voting equipment;
- Developing voter education programs;
- Producing local voters' pamphlets;
- Purchasing or leasing election management system hardware and software;
- Training local election officials; and
- Purchasing or leasing equipment that will improve the administration of federal elections.

This list is not comprehensive and the state may fund grant applications for activities not listed as long as the activities are eligible under HAVA.

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

Status as of this amendment: Requirements under Title III have been fully met.

Since the adoption of the State Plan in 2003, Washington State has almost completely transitioned to vote by mail. For many voters with disabilities, this change increases the accessibility of voting because there is no need to travel to a polling place to cast a ballot. However, voters who cannot read or mark a printed ballot, continue to need an accessible voting unit in order to vote privately and independently.

Washington State has taken several steps to address this difficulty. These include funding of outreach efforts directed at voters with disabilities, support for county disability accessibility election advisory committees, and a twenty-day "early voting" period. The OSOS and counties have partnered with disability service organizations and advocates to get the word out about accessible voting. The OSOS will continue

7. The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on—A. the costs of the activities required to be carried out to meet the requirements of Title III; B. the portion of the requirements payments 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. (Sec. 254, (a)(6))

Status as of this amendment: See charts below

HAVA Funding Available through December 31, 2008	
Section 101	$6,098,449
Section 102	$6,799,430
Section 251	$47,195,971
State Match	$2,494,442
Interest through 12/2008	$5,772,108
Total	**$68,360,400**

The chart below reflects how Washington State spent and/or committed Sections 101, 102 and the 2004 Requirements Payments:

Category of expenditures and/or commitments through December 31, 2008	Budget
Developing the statewide voter registration database	$6,014,203
Maintaining the voter registration database	$3,290,591
Replacing punch card voting equipment	$6,313,881
Purchasing or leasing accessible voting units	$8,886,375
Purchasing or leasing county election management systems	$6,568,526
Establishing a voting systems program	$237,892
Providing provisional notification	$11,545
Administering HAVA and establishing complaint procedures	$1,035,809
Improving accessibility for voters with disabilities	$2,349,392
Improving minority language election information	$500,000
Educating voters	$8,711,793
Training election officials	$722,213
Enhancing the statewide voter registration database	$8,793,442
Improving the administration of federal elections	$14,147,681
Total expenditures and/or commitments	**$67,583,343**

In accordance with the EAC calculations, Washington State is eligible for $2,312,945 under the 2008 Requirements Payment and $2,011,256 under the 2009 Requirements Payment. The Washington State Legislature has appropriated $228,000 to cover the required state match.

2008 Requirements Payment	
Section 251	$2,312,945
State Match	$122,000
Total	**$2,434,945**

2009 Requirements Payment	
Section 251	$2,011,256
State Match	$106,000
Total	**$2,117,256**

Since Washington State is HAVA compliant, all remaining HAVA funds, future interest earned and any additional requirements payments given to Washington State will be spent on training election officials, educating voters, improving the accessibility of election for individuals with disabilities, and making improvements to the administration of federal elections.

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

Status as of this amendment:

The Washington State Secretary of State's Office has maintained expenditure levels set by the state fiscal year ending prior to the November 2000, election. The 2003 state plan incorrectly listed the entire election budget as the maintenance of effort level. This was due to a misunderstanding when the plan was written. The only Title III related activity that the state was funding prior to the November 2000 election was a small voting systems program that only included one third of an employee's time, which amounted to $27,557.90.

Washington will continue to maintain expenditures of the state for activities funded by the requirements payment at a level equal to or greater than $27,557.90.

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

Status as of this amendment: Requirements under Title III have been fully met.

The original state plan laid out clear, time-bound, and measurable objectives for each element of HAVA. This amendment to the state plan specifically details how and when each objective was met, thus satisfying the intent and requirement of HAVA, Section 254, (a)(8).

a. Elimination of punch card voting equipment

i. Timetable: January 1, 2006
ii. Criteria: Replacement of punch card voting equipment and compliance with Title III HAVA requirements for the 16 counties that utilized punch card equipment in the 2000 General Election.
iii. How Criteria is Judged: Success of meeting this performance goal is based on the number of punch card voting systems still in use after January 1, 2006.
iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

HAVA Section 102 (a)(3)(B) specifies that equipment needs to be replaced by the first election for Federal office held after January 1, 2006. Additionally, vendor supply and demand could not accommodate replacement of all punch card voting equipment by January 1, 2006.

Washington State met the legally required deadline of having the punch card voting equipment in place in all 16 counties by the first federal election that was held in September 2006.

The counties were responsible to procure their own equipment through aid from grant cycles provided by the Office of the Secretary of State.

b. Voter education program on how to correctly cast a ballot for each type of voting system

i. Timetable: January 1, 2006

ii. Criteria: Establishment and implementation of a voter education program specific to each type of voting system that clearly explains to voters how to correctly cast a ballot, correct an error, how to obtain a replacement ballot, and the effect of casting multiple votes for an office.

iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment and implementation of a voter education program developed in cooperation with County Auditors that is specific to each type of voting system used in Washington.

iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

State supported the local effort by offering voter education campaigns. However, many counties established and implemented their own education programs specific to their newly acquired voting systems with the help of HAVA grants provided by the Office of the Secretary of State.

c. Accessibility for individuals with disabilities

i. Timetable: January 1, 2006

ii. Criteria: Implementation of at least one Direct Recording Electronic voting device (referred to in Washington State as Accessible Voting Units or AVUs) that meets the accessibility standards in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote by mail, and significant involvement by individuals with disabilities and other stakeholders in implementation of this equipment.

iii. How Criteria is Judged: Success of meeting this performance goal is based on the placement of at least one accessible Direct Recording Electronic voting device in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote by mail, and evidenced by increased participation on the part of individuals with disabilities in the voting process.

iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Section 301 of HAVA states that each jurisdiction shall be required to comply with this requirement of this section on and after January 1, 2006. Vendor supply and demand could not accommodate Washington State's demand for AVU equipment by January 1, 2006.

Washington State was in compliance with this requirement by the first Federal election in September 2006. The counties were responsible for determining the number of AVUs needed and procured the equipment with HAVA funds from a local government grant program provided by the Office of the Secretary of State.

d. Provisional Voting

i. Timetable: January 1, 2004
ii. Criteria: Implementation of a free access system in each county so that the voters can determine if their provisional ballot was counted.
iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that the voters can determine if their provisional ballot was counted.
iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Timeline per State plan: January 1, 2004 *extended to September 2006

Washington State met its goal of establishing and implementing a free access system by the first federal election in 2006. The counties were responsible to establish and implement their own free access systems with the help of grants provided by the Office of the Secretary of State.

e. Posting of voting information

i. Timetable: January 1, 2004
ii. Criteria: Posting of the required information in each polling location.
iii. How Criteria is Judged: Success of meeting this performance goal is based on the posting of the required information in each polling location in the state.
iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Washington State met the deadline for posting voting information at polling locations by the first federal election for the determined year, September 2004. The Office of the Secretary of State created, printed, and distributed a "HAVA Poster" with required information to all counties. The Counties were responsible to distribute the posters appropriately within their jurisdictions.

Additionally, as laws in Washington State changed, the poster has been updated and sent to all counties for further distribution.

f. Statewide Voter Registration Database

i. Timetable: January 1, 2006
ii. Criteria: Implementation of a "single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level".
iii. How Criteria is Judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirement of HAVA.
iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Washington State met the deadline of January 1, 2006, for implementing a "single, uniform, official, centralized, interactive, computerized state wide voter registration list that is defined, maintained, and administered at the state level". The counties work in conjunction with the Office of the Secretary of State by providing data from their county registration lists on a consistent basis.

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

Status as of this amendment:

Additional Title I funds were not part of the 2008 Requirements payment. All Section 101 funds from the original 2003 payment have been expended. All punch card voting equipment has been replaced; however, Washington State did not use all of the Section 102 funds. If allowed by the EAC, the remainder of these funds will be used to assist counties with increased maintenance and warranty costs associated with punch card replacement equipment.

12. How the state will conduct ongoing management of the plan, except that the state may not make any material change in the administration of the plan unless the change:

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

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

C. takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). (Sec. 254, (a)(11))

Status as of this amendment:

Washington State has a long history of being a national leader in both innovation and quality of election services provided to its citizens. The development of a very high level of trust and coordination between local election officials and the Secretary of State has created fertile ground for original ideas and fresh ways to solve problems and improve service. New ideas receive clear and thorough discussions and, when implemented, are administered with the highest level of professionalism. By actively seeking local election official input, Washington State is able to take advantage of further opportunities provided by HAVA.

The Secretary of State established a HAVA Grant Advisory Board, consisting of three County Auditors, the director of elections, a former County Auditor and two members from the disability community. Experts on disability issues will continue to be consulted in developing the grant criteria for accessibility for individuals with disabilities.

Ongoing management of the state plan is ultimately the responsibility of the Secretary of State as the Chief Election Officer. The state understands and agrees to comply with HAVA requirements related to the ongoing management of the state plan. Specifically, the State agrees not to make any material change in the administration of the state plan unless the change:

- Is developed and published in the Federal Register in accordance with HAVA Section 255 in the same manner as the State plan,
- Is subject to public notice and comment in accordance with HAVA Section 256 in the same manner as the State plan, and
- Takes effect only after the expiration of the 30-day comment period that begins on the date the change is published in the Federal Register in accordance with subparagraph (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. (Sec. 254, (a)(13))

Status as of this amendment:

Section 255 (a) of HAVA states that the chief State election official shall develop the state plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the states, 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.

The Secretary of State appointed the following persons or their designee to assist in the development of this amended state plan:

Office of the Secretary of State
Sam Reed, Secretary of State

Douglas County Auditor's Office
Thad Duvall, Douglas County Auditor

Cowlitz County Auditor's Office
Kris Swanson, Cowlitz County Auditor

Spokane County Auditor's Office
Vicky Dalton, Spokane County Auditor

Pierce County Auditor's Office
Lori Augino, Elections Manager

King County Elections
Sherril Huff, Director

Washington Association of County Auditors
Kim Wyman, Thurston County Auditor

Governor's Committee on Disability Issues and Employment
Denise Colley, Program Coordinator III

League of Women Voters
Barbara Seitle, President

Washington Assistive Technology Alliance
Deborah Cook, Project Director

Washington State Republican Party
Luke Esser, Chairman

Washington Democratic Party
Bertha McDaniel, Office Manager

Office of the Secretary of State
Nick Handy, Director of Elections

Office of the Secretary of State
Sheryl Moss, Certification and Training Unit Manager

Office of the Secretary of State
Paul Miller, VRDB

Office of the Secretary of State
Lori Guerrero, HAVA Coordinator

Legal assistance was provided by Jeff Even, Assistant Attorney General.

14. 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 (Sec. 254, (a)(12))

Status as of this amendment:

The spirit and intent of the original state plan was fully implemented. Specifics of those achievements and future activities are given in the narrative under each section above. Changes from the original state plan are reflected in actual budget categories as outlined in #7 above. When the plan was drafted in 2002 and 2003, costs could not be accurately calculated and estimates were listed. The original state plan noted that the estimates were subject to change based on funding and alteration of variables.

This is Washington's 2009 State Plan Amendment, addressing Fiscal Years 2008 and beyond. As of the first update of the state plan following five years of implementation, every element of this plan reflects the achievement of HAVA requirements and planned objectives in the original 2003 plan. All HAVA requirements have been fully met. Funding permitting, future work through HAVA will address training election officials, educating voters, improving the accessibility of election for individuals with disabilities, and making improvements to the administration of federal elections.

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