## DEPARTMENT OF DEFENSE

### Department of the Air Force

### U.S. Air Force Academy Board of Visitors; Notice of Meeting

**AGENCY:** U.S. Air Force Academy Board of Visitors.

**ACTION:** Meeting notice.

**SUMMARY:** Pursuant to 10 USC 9355, the US Air Force Academy (USAFA) Board of Visitors (BoV) will meet in Harmon Hall, 2304 Cadet Drive, Suite 3300 at the United States Air Force Academy in Colorado Springs, CO on 26–27 February 2010. The meeting session will begin at 2 p.m. on 26 February. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Administrative Assistant to the Secretary of the Air Force has determined that portions of this meeting shall be closed to the public. The Administrative Assistant to the Secretary of the Air Force, in consultation with the Office of the Air Force General Counsel, has determined in writing that the public interest requires that two portions of this meeting be closed to the public because it will involve matters covered by subsection (c)(6) of 5 U.S.C. 552b.

Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act (FACA) and the procedures described in this paragraph. Written statements must address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force Pentagon address detailed below at any time. However, if a written statement is not received at least 10 days before the first day of the meeting which is the subject of this notice, then it may not be provided to, or considered by, the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairperson and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during open portions of this BoV meeting shall be made available upon request.

If, after review of timely submitted written comments, the BoV Chairperson and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present their issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairperson to allow specific persons to make oral presentations before the BoV. Any oral presentations before the BoV shall be in accordance with 41 CFR 102–3.140(d), section 10(a)(3) of the FACA, and this paragraph. The DFO and BoV Chairperson may, if desired, allot a specific amount of time for members of the public to present their issues for BoV review and discussion. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairperson.

**FOR FURTHER INFORMATION CONTACT:** To attend this BoV meeting, contact Mr. David Boyle, USAFA Programs Manager, Directorate of Force Development, Deputy Chief of Staff, Manpower and Personnel, AF/A1DOA, 2221 S. Clark St., Ste. 500, Arlington, VA, 22202, (703) 604–8158. If members of the public would like to attend, please contact the USAFA Public Affairs Office, (719) 333–7731 for information on access to the Academy meeting site.

**Bao-Anh Trinh,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 2010–2905 Filed 2–9–10; 8:45 am]

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## 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 New Jersey and Wisconsin.

**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 third revision to the State plan for Puerto Rico.

The amendment to Puerto Rico's State Plan provides changes to the HAVA Committee and key Comisión Estatal de Elecciones staff as well as actual costs and estimated new expenditures in various categories of election equipment, materials, supplies, maintenance and services. 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. Puerto Rico confirms that its amendments to the State plan 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 February 10, 2010, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C). EAC wishes to acknowledge the effort that went into revising this State plan and encourages further public comment, in writing, to the State election official listed below.

### Chief State Election Official

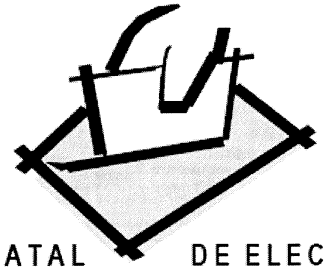
The Honorable Héctor J. Conty Pérez, President, Comisión Estatal de Elecciones, P.O. Box 195552, San Juan, Puerto Rico 00919–5552, Phone: (787) 777–8675. Thank you for your interest in improving the voting process in America.

Dated: February 3, 2010.

**Thomas R. Wilkey,**

*Executive Director, U.S. Election Assistance Commission.*

**BILLING CODE 6820–KF–P**



COMISION ESTATAL DE ELECCIONES
ESTADO LIBRE ASOCIADO DE PUERTO RICO

# Help America Vote Act of 2002

# 2010 Revisions
## (Update to Puerto Rico's State Plan - initial Plan submitted in Aug. 2003; two subsequent Plan Revisions submitted in 2004 and 2005)

December 13, 2009

Dear Puerto Rico Voters:

The Comisión Estatal de Elecciones de Puerto Rico (CEE or Commission) issued an initial implementation plan on August 14, 2003 (2003 Implementation Plan) as required under the Help America Vote Act of 2002 (HAVA). In December 2004, the Commission issued revisions to that initial plan (2004 Revisions) and did so again in December 2005 (2005 Revisions). Most of the changes in the 2004 and 2005 Revisions (published in the Federal Register in January 2005 and February 2006, respectively) served to document the amounts spent and the progress made regarding various, significant electoral improvements and also to highlight contemplated additional election improvements. Additionally, the 2005 Revisions encompassed the plan for expenditure of additional federal HAVA funds appropriated by Congress in 2005.

This document reflects the 2010 Revisions to the HAVA state plan. It is submitted to propose plans for expenditure of additional HAVA funds appropriated by Congress in Fiscal Year 2008 and 2009. Additionally, the 2010 Revisions re-format the budgetary plan using ranges of estimated expenditures by category. This new approach provides flexibility to accommodate differences between estimated expenditures and actual costs in various categories of election equipment, materials, supplies, maintenance and services to meet the needs of Puerto Rico's electorate.

This 2010 Revisions document is being made available for thirty days to solicit public comment and review as required by HAVA. The Commission disseminated copies of a draft document through the HAVA Committee on its December 9, 2009 meeting. Public notice of the 2010 Revisions was subsequently released on December 13, 2009 and was posted in two local newspapers and on the websites of the Government of Puerto Rico and the Commission.

The Commission continues to appreciate the time and suggestions given by the members of the Puerto Rico HAVA Advisory Committee. This diverse group represents multiple constituencies of Puerto Rico's electorate.

Sincerely,

Héctor J. Conty Pérez
President

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***Introduction***

Since receipt of initial HAVA funding in 2003 and during the ensuing four years, the CEE has utilized HAVA funding to make significant progress toward improving election administration in Puerto Rico and for compliance with the provisions of the U.S. Help America Vote Act (HAVA). Required reports of expenditures have been filed annually with the U.S. Election Assistance Commission (EAC) regarding expenditure of HAVA 101 and 251 funds. Additionally, reports have been filed each year with the U.S. Health and Human Services Department (HHS) to document expenditure of HAVA 261 funds to make improvements in voting accessibility for voters with disabilities.

This HAVA State Plan revision is filed both to fulfill requirements to describe plans for expenditure of new HAVA requirements payments approved by the U.S. Congress in fiscal year (FY) 2008 and 2009 and to amend the previously approved 2005 Revisions to the State Plan. Consequently, it addresses use of unexpended balances of existing HAVA funding from former years with the exception of HAVA 261 funds as no changes are projected for use of those funds.

Based on EAC advisory instructions allowing states to request FY 2008 and 2009 requirements payments at the same time, this document requests a combined appropriation of $2,666,032 for both FY 2008 and 2009. The requirement has been met to make available five percent state matching funds in order to apply for the newly available HAVA funds.

***CHANGES TO STATE PLAN:***

***SECTION I – Achieving Compliance with HAVA in Puerto Rico***

*§301* ***Voting Systems***

Because there was no federal office on the ballot in Puerto Rico for the 2006 election cycle (the term for Puerto Rico's Resident Commissioner to the U.S. Congress is for four years coinciding with the US Presidential elections), the CEE applied due diligence and continued to examine all available voting equipment options in preparation for the 2008 election cycle.

After extensive research and evaluation of all options, including every model of direct record electronic (DRE) voting system as well as all available ballot marking devices that maintain the tradition of paper ballots used in Puerto Rico (such as Automark and Vote by Phone), the Commission selected the IVS Vote by Phone system to comply with HAVA's disability accessibility requirement. Following an RFP process, a lease contract for an initial pilot program was issued to IVS in advance of the June 1, 2008 Democratic Primary Election.

The IVS system was successfully deployed in conjunction with the June 1, 2008 Election and was well-received by blind and disabled voters. Subsequently, use of the IVS Vote by Phone system was expanded island-wide through a renewed lease agreement with the vendor for the November 2008 General Election. This decision was applauded by disability access advocacy groups including membership of the CEE's HAVA Advisory Committee.

***§303 – Computerized Statewide Voter Registration List Requirements***

After several years of extensive work and testing following new system procurement, Puerto Rico went live with the of a new statewide voter registration system on June 30, 2007. The architecture of the system uses a P.C. client-server network that enables on-line, real-time access at both CEE headquarters and at the 102 Juntas de Inscripción Permanente (JIPs) which are the voter registration locations. Additionally, the system provides access to voters remotely through the deployment of mobile units.

This system replaced the previous mainframe system in which voter registration records were maintained in batch mode. The new system was deployed in stages beginning with the roll-out of the voter identification card component in September 2006 and continuing through the complex addition of the demographic information of all 2.3 million voters into the system by June 30, 2007. The system assigns a unique voter identification number to each registrant in real-time. However, verification with driver's license numbers from Puerto Rico's Department of Transportation (DTOP) continued to be processed in batch mode without the benefits of real-time processing.

The next voter registration system enhancement will enable the system to capture and verify driver's license numbers on-line, in real-time at CEE headquarters, JIPs and all mobile units. This State Plan revision outlines necessary actions to accomplish this objective. Capturing and verifying driver's license records from DTOP in real-time, including social security number validation, will allow registrants immediate confirmation of identify and verification of their voter eligibility status. Implementation of this next phase is described later in this document under the heading Planned Activities.

*Background*

As fully explained in a previously submitted HAVA State Plan, voter registration activity in Puerto Rico occurs in-person at the 102 JIPs across the island. Mail-in voter registration is prohibited except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and no government agencies other than local JIP registration boards may process voter registrations. Puerto Rico is exempt from the National Voter Registration Act (NVRA) provisions that pertain to mail-in registrations and to other agencies offering registration services. Similarly, Puerto Rico is exempt from HAVA Section (303)(a)(2) encompassing felons and death records because convicted felons have the right to vote. The CEE does coordinate its voter registration list with Civil Registry records which include death records.

The voter registration system contains records of driver's license numbers from the Department of Transportation and Public Works (DTOP) for voters who have a driver's license. When registering, or re-registering to vote at a JIP, each registrant's information is entered into the system and verified at the JIP comparing the DTOP information. Following this process, each voter is issued a photo identification card which contains a unique number. For those few voters without a driver's license, the voter provides the last four digits of his/her social security number (SSN). Additionally, all voter registration records in Puerto Rico contain a unique number attached to each registrant in the system. As a result, checking for duplicate registrations is a regular, ongoing process at all JIPs.

The CEE and DTOP signed an agreement on December 29, 2005 which was subsequently signed by the Social Security Administration on January 12, 2006 for DTOP and SSN to develop a system to share information. The technical work to accomplish this objective is ongoing between DTOP and SSN.

***Planned Activities for Achieving Compliance with Title III and Election Administration Improvements***

With regard to improving election administration, the following new and revised projects have been identified to amend the State Plan:

- Modernizing Vote Tabulation

  Looking ahead to the next election in Puerto Rico in 2012 with a race for a federal election office on the ballot, the CEE plans to continue to explore all available options in order to select a voting system prior to that election that complies with provisions of HAVA. This may include continuation of a lease contract for use of a vote-by-phone system or the lease or purchase of any other type of HAVA-compliant voting system or a combination of the two. This plan provides the flexibility to make that decision in sufficient time to deploy the new voting equipment, train poll workers and educate voters on use of the system prior to the next federal election cycle.

  Puerto Rico's has maintained a tradition of hand-counted paper ballots which has been the model for all past elections. The CEE wishes to improve electoral operations by computerizing the vote tabulation system. Procurement and deployment of a new voting system would not only meet all HAVA requirements, but would also achieve the objective of modernizing and speeding up the vote tabulation process.

- Voice Activation Project

The toll free number for the CEE has been widely used by voters since installation in 2004. The system is advertised to voters via the CEE's outreach materials and website. Voters insert their voter ID number and select from prompts that lead to customized services such as the location of their JIP or assigned polling place. Voters that do not have their voter ID number are transferred to an operator who provides this information.

The CEE is planning to upgrade this automated phone service. Currently, provisional voters are advised of their provisional ballot status via a post-election mailing from the CEE. Voter's whose ballots are not counted are advised to go to the closest JIP to clarify the status of their registration and to receive a new voter ID card. Plans are underway to add a message regarding provisional ballot status to the CEE's voice activation system. The expectation for completion is prior to the 2012 election.

Improving the Voter Registration Process

The development and purchase of equipment for the new voter registration system in 2006, as described earlier in this document, established on-line, real-time operation at CEE headquarters, the JIPs and the mobile registration units. The next step will enhance the system by enabling verification of voters' identity against the most current drivers' license and social security records by providing real-time access to this data. Implementation of this next phase will enhance service to all registrants by providing immediate identify and verification of their voter eligibility status.

This plan allocates HAVA funding to accomplish this next step of voter registration modernization. The plan calls for purchase of sufficient hardware, software and necessary peripheral equipment to implement these improvements for all the JIP offices and mobile voter registration units prior to the 2012 election.

Improving HAVA Administration

The CEE plans to complete the ongoing process of converting paper voter registration records to microfilm and, to further enhance storage of back-up voter registration data, to digitize the records in electronic format. The plan calls for allocating sufficient funds to contract with a vendor with expertise in this technology in order to speed up completion of this process to maintain secure voter registration data in multiple formats.

The CEE also plans to purchase additional equipment to expand the capability of tracking the assembly and distribution of voting supplies and materials. The new equipment will streamline operations and dispatch of supplies to the voting locations.

***SECTION 6 – Budget for Title III Requirements***

**Appropriated HAVA funds**

| | | |
|---|---|---|
| HAVA Title I (101) Funds: | $ 3,151,144 | (FY 2003) |
| HAVA Title II (251) Funds: | $ 830,000 | (FY 2003) |
| | $ 1,489,361 | (FY 2004) |
| **Newly appropriated HAVA funds** | $ 1,426,017 | (FY 2008) |
| | $ 1,240,015 | (FY 2009) |
| **Puerto Rico Matching Funds** | $ 122,072 | (FYs 2003-07) |
| | $ 140,318 | (FYs 2008-09) |
| **Interest Earned (through 9/09)** | $ 503,663 | (HAVA & State Matching) |
| **Total Funds** | **$ 8,902,590** | |

**Total Expended (through 9/09)**

| | |
|---|---|
| HAVA 101 funds | $ 1,622,952 |
| HAVA 251 funds & state match | $ 840,990 |
| **Subtotal** | $ 2,463,942 |

**Available Funds (as of 9/09)**

| | |
|---|---|
| HAVA 101 funds | $ 1,528,192 |
| HAVA 251 funds & state match | $ 1,600,442 |
| Interest | $ 503,663 |
| **Subtotal** | $ 3,632,297 |

**Newly appropriated HAVA funds**

| | |
|---|---|
| HAVA FY 2008 funds | $ 1,426,017 |
| HAVA FY 2009 funds | $ 1,240,015 |
| State Match 2008/2009 funds | $ 140,318 |
| **Subtotal** | $ 2,806,350 |

**Total Available Funds** **$ 6,438,647**

Detailed below are estimates for the anticipated cost of planned activities that the CEE will carry out with the remaining available funding of $6,438,648 as a result of the revisions outlined in this State Plan. The CEE has estimated ranges of costs in each category in order maintain flexibility and to assure sufficient funds within each category in recognition of the variation and uncertainty of needed expenditures prior to the procurement process.

| Ranges of Estimated Expenditures on Title III Requirements | | | |
|---|---|---|---|
| | HAVA 101 | HAVA 251 | 5% state match (and interest) |
| **Sec. 301 – Voting System Requirements** | | | |
| Lease or purchase new voting system | $100,000 to $1,000,000 | $250,000 to $3,000,000 | |
| Voting aids and commodities for voters with disabilities | $10,000 to $100,000 | | |
| Training poll workers and conducting voter outreach on use of new voting equipment | $25,000 to $100,000 | | |
| **Sec. 302 – Provisional Voting and Voter Information** | | | |
| Voice activated information and other available and/or posted voter information | | $5,000 to $25,000 | |
| | | | |
| **Sec. 303 – Computerized voter registration and verification requirements** | | | |
| Upgrade of voter registration system | $500,000 to $1,250,000 | | |
| Verification of data assignments (GIS) | | $100,000 to $500,000 | |
| Mobile unit equipment and computers | | $25,000 to $400,000 | |
| DTOP/SSA VR project | | | |
| | $10,000 to $70,000 | | |
| **Improving HAVA administration** | | | |
| Implementation planning, training & execution, and oversight and management | $250,000 to $700,000 | | |
| Fund for Warranties, Repairs and other needs for HAVA projects | $100,000 to $250,000 | | |
| Convert voter registration files from paper to microfilm and electronic, digitized format | $50,000 to $200,000 | | |
| Mechanized controls for election materials | $10,000 to $30,000 | | |
| **Available funding (as of 9/09)** | $1,528,192 | $1,529,223 | $71,219 |
| **Appropriated HAVA funds FY 08 & 09** | | $2,666,032 | $140,318 |
| **Interest on HAVA 251 & state match funds (as of 9/09)** | | | $503,663 |
| **TOTAL Available funds** | $1,528,192 | $4,195,255 | $715,199 |
| | | | $6,438,647 |

The chart above reflects HAVA funding in ranges to provide maximum flexibility as the CEE develops implementation plans to purchase election equipment, supplies and services to enhance the voting experience for all Puerto Rico's voters. In no event will expenditures exceed the maximum amounts allocated in each category.

***SECTION 12 – Changes from the Previous Plans***

As suggested by the U.S. Election Assistance Commission and as done with previous plan revisions, only the changes as described in this State Plan Revision 2010 document will be published in the Federal Register in order to limit expenditure of federal funds for publication while meeting the requirement to document and publish substantive changes to the State Plan regarding allocation of HAVA funding.

***SECTION 13 – Changes to HAVA Committee & Key CEE staff***

Puerto Rico's HAVA Advisory Committee continues to be a diverse group of citizens including members of the Elections Commission (CEE) and representatives from the Commission's local offices through the representation of the political party Commissioners at the Commission. Additionally, advocacy groups, local government offices, regional and local representatives from various interest organizations have joined and attended the Committee's regular meetings such as:

- The National Federation of the Blind - Puerto Rico's affiliate
- University of Puerto Rico's AssistiveTechnology Program (PRAT)
- Veterans Ombudsman Office
- Ombudsman for Elderly Persons
- Ombudsman for Patients
- Civil Rights Commission
- Metropolitan Public Transportation Authority (AMA)
- Blind Veterans Association
- Commission for Persons with Disabilities - Puerto Rico's Bar Association

Key CEE staff and titles have changed as follows:

- María D. Santiago Rodríguez, First Vice President, CEE
- Néstor J. Colón Berlingeri, Second Vice President, CEE
- Andrés Miranda Rosado, Third Vice President, CEE

The CEE vice-presidents are responsible for management and measurement of progress regarding HAVA State Plan revisions described in this document.

***Compliance issues***

The CEE previously filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under HAVA section 402 and continues to maintain those procedures.

Additionally, the CEE certifies compliance with each of the following federal laws as they apply to the Act including:

- The Voting Rights Act of 1965;

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

The CEE has always met HAVA requirements regarding maintenance of effort (MOE) and certifies commitment to continuing to meet MOE requirements during ensuing years in which HAVA funds are expended. Additionally to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III, the CEE certifies that proposed uses of the requirements payment are not inconsistent with the requirements of Title III.

[FR Doc. 2010–2919 Filed 2–9–10; 8:45 am]

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