Federal Register

Friday,
March 11, 2005

# Part III

# Election Assistance Commission

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

## ELECTION ASSISTANCE COMMISSION

### Publication of State Plans Pursuant to the Help America Vote Act

**AGENCY:** U.S. Election Assistance Commission (EAC).

**ACTION:** Notice.

**SUMMARY:** Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** material changes to HAVA State plans previously submitted by Oklahoma, South Dakota, and Texas.

**DATES:** This notice is effective upon publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

**SUBMIT COMMENTS:** Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual States at the address listed below.

**SUPPLEMENTARY INFORMATION:** On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the 50 States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates.

The submissions from Oklahoma, South Dakota and Texas address material changes in the administration of their original State plans and, in accordance with HAVA section 254(a)(12), provide information on how the State succeeded in carrying out the previous State plan. Among other matters, South Dakota and Texas are submitting changes that address the HAVA requirements payment allocated to the State in Fiscal Year 2004, a prerequisite for the States to receive these funds. Oklahoma had previously addressed the use of such funds and appears to be making no material changes to that use. (Oklahoma has received its 2003 and 2004 requirements payments. Texas has received its 2003 requirements payment. South Dakota's certification for its 2003 requirements payment is pending.)

Upon the expiration of 30 days from March 11, 2005, these States will be eligible to implement any material changes addressed in the plans that are published herein, in accordance with HAVA section 254(a)(11)(C). At that time, in accordance with HAVA section 253(d), South Dakota and Texas also may file a statement of certification to obtain the fiscal year 2004 requirements payments. These statements of certification must confirm that the State is in compliance with all of the requirements referred to in HAVA section 253(b) and must be provided to the Election Assistance Commission in order for the State to receive a requirements payment under HAVA Title II, Subtitle D.

EAC notes that plans published herein include only those that have already met the notice and comment requirements of HAVA section 256, as required by HAVA section 254(a)(11)(B). EAC wishes to acknowledge the effort that went into revising the State plans and encourages further public comment, in writing, to the chief election official of the individual States at the address listed below.

**Chief State Election Officials**

*Oklahoma*

The Honorable Michael Clingman, Secretary, State Election Board, P.O. Box 53158, Oklahoma City, Oklahoma 73152, Phone: 405/521–2391, Fax: 405/521–6457, E-mail: *elections@oklaosf.state.ok.us*.

*South Dakota*

The Honorable Chris Nelson, Secretary of State, State Capitol Bldg., Ste 204, 500 E Capitol, Pierre, South Dakota 57501–5070, Phone: 605/773–3537, Fax: 605/773–6580, E-mail: *sdsos@state.sd.us*.

*Texas*

The Honorable Roger Williams, Secretary of State, P.O. Box 12887, Austin, Texas 78711–2887, Phone: 512/463–5770, Fax: 512/475–2761, E-mail: *secretary@sos.state.tx.us*.

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

Dated: March 4, 2005.

**Gracia M. Hillman,**

*Chair, U.S. Election Assistance Commission.*

**BILLING CODE 6820–YN–P**

# STATE OF OKLAHOMA PLAN For Implementation of the Help America Vote Act of 2002

Report on Progress of
HAVA
Implementation

**November, 2004**



## State of Oklahoma Plan for Implementation of the Help America Vote Act of 2002

### Report on Progress of HAVA Implementation November, 2004

The purpose of this document is to report the progress of implementation of HAVA in Oklahoma since the completion of the state plan just over one year ago. This document contains no material changes to the plans set forth in the August 18, 2003, version of the state plan.

State Election Board staff, in consultation with County Election Board personnel serving on the Local Election Professionals Working Committee and in the Regional Coordinator program, developed procedures and materials for provisional voting, voter identification requirements, voter information requirements, and administrative complaint procedures that became effective on January 1, 2004. The Secretary of the State Election Board adopted these procedures as emergency rules on December 17, 2003. Following review and approval by the Governor as required by the Oklahoma Administrative Procedures Act, the emergency rules became effective on February 3, 2004 — the date of Oklahoma's Presidential Preferential Primary Election.

State Election Board staff, again in consultation with the Working Committee members and Regional Coordinators, also developed training for County Election Board personnel and for Precinct Officials.

Finally, the Secretary of the State Election Board submitted recommendations to the Oklahoma Legislature both for new law and amendments to existing law that will extend the provisions of HAVA to all elections conducted by County Election Boards in Oklahoma. These recommendations became Senate Bill 1346 which was approved by both the State House of Representatives and the State Senate and was signed by the Governor on June 4, 2004. Senate Bill 1346 becomes effective on July 1, 2005.

Three federal elections have been held so far in 2004 — the Presidential Preferential Primary Election, the regular state Primary Election, and the state Runoff Primary Election — in which the provisional voting, voter identification, and other HAVA-related procedures already in effect have been used. Voter turnout at all these elections was relatively light, so the real test of these new procedures will occur in the General Election on November 2, 2004.

**(1) 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.**

- **Implementation of Provisional voting [Sec. 302(a)].** Provisional voting has been implemented for federal elections only by emergency rules which became effective February 3, 2004. In addition to the promulgation, publication, and distribution of the emergency rules, special precinct supplies (provisional ballot affidavit envelopes, informational materials, and containers) were produced and/or purchased by the State Election Board and distributed to County Election Boards; OEMS software modifications were written, tested, and installed; training programs for both County Election Board personnel and Precinct Officials were developed; and materials for said programs were produced and distributed.

- **Implementation of voter identification requirements [Sec. 303(b)(2)].** Voter identification requirements have been implemented for federal elections only by emergency rules which became effective on February 3, 2004. In addition to the promulgation of the emergency rules, OEMS software modifications were written and installed to identify voters required to show identification at the polls on federal election days and/or to record receipt of identification submitted with voter registration applications. The instructions that accompany the Oklahoma Voter Registration Application form were revised to include information about identification requirements and to inform applicants of the option to submit identification with the voter registration application form.

- **Coordination of state databases [Sec. 303(a)].** No change.

- **Upgrades for state voter registration database [Sec. 303(a)].** The Secretary of the State Election Board requested a waiver to delay these upgrades until 2006. Staff members are investigating options, but a specific plan to accomplish the upgrade is not yet in place.

- **Polling place technology enhancements [Sec. 301].** State Election Board staff members are investigating available options but a specific plan is not yet in place.

- **Design and/or evaluation of new voting device system.** No change.

- **Support for newly created federal agencies.** No change.





- **Improved process for uniformed services and overseas voters [Title VII and UOCAVA].** State legislation allowing UOCAVA voters to receive and return ballots by fax was implemented by emergency rules effective February 3, 2004. State legislation requiring election officials to accept and count for federal offices absentee ballots received from overseas uniformed services and overseas civilian voters up to fourteen days following the state Runoff Primary Election was implemented by emergency rules which became effective on July 22, 2004. However, no federal offices were on the ballot for the state Runoff Primary Election in 2004.

- **Improved process for disabled voters [Sec. 301 (a)(3)].** No change.

- **Improved process for language minority voters [Sec. 301(a)(4)].** All voter information material posted at polling places on election day is now available in Spanish, and whenever possible the Spanish translation is printed side-by-side with the English version. All such materials have been distributed statewide, reaching many more Spanish-speaking voters than would be the case if they were distributed only in the two counties required by the Voting Rights Act to provide Spanish materials.

- **Improvement in voter outreach programs.** No change.

- **Study of implementation of all-mail elections in Oklahoma.** No change.

- **Precinct Official training.** The State Election Board staff recruited a group of County Election Board Secretaries and other personnel to conduct training for Precinct Officials on new procedures and requirements resulting from HAVA. Precinct Official training was conducted in December, 2003, and in January, 2004, in every county and consisted of two parts. The regular Precinct Official training program was presented by the County Election Board Secretary and staff in each county and a special segment devoted to the new provisional voting and voter identification procedures which was conducted by one of the specially trained "HAVA trainers."

**(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 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).**

No change

**(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.**

The publications listed on pages 11-12 were revised for 2004. No additional progress will occur until decisions concerning a new voting device system have been made.

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

No change

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

No change

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

**(A) the costs of the activities required to be carried out to meet the requirements of title III;**

**(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and**

**(C) the portion of the requirements payment which will be used to carry out other activities.**

Of the initial $5,000,000.00 payment received in May, 2003, the State Election Board spent $37,721.90 as of October 31, 2004.

$29,180.00 Compensation for Provisional Voting Officers for Presidential Preferential Primary Election, Primary Election, and Runoff Primary Election (Compensation for PVOs





for the General Election also will be paid from these funds.)

$7,541.90 HAVA Planning Meetings (Advisory Committee, Working Committee, "HAVA Trainers" training, and HAVA Training for Precinct Officials)

$1,000.00 Other

**(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.**

No change

**(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.**

No change

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

The Secretary of the State Election Board promulgated emergency rules establishing the complaint procedure required by section 402 of HAVA. The emergency rules were approved by the Governor on January 28 and became effective on February 3, 2004. Following is a summary of the procedure.

A complaint must be made in writing and must be signed and sworn by the complainant before a Notary Public. A complaint must include at least the following information: the complainant's name and mailing address, the nature of the complaint, the nature of the desired solution, and a request for a hearing, if one is desired. Complaints are submitted to the Secretary of the State Election Board. Immediately upon receipt of a complaint, a State Election Board staff member marks the original document with a "received" stamp that includes the date, assigns a unique case number, sets the date and time for a hearing if one is requested, and issues an Order for Hearing. The Secretary reviews the written complaint and assigns one or more staff members to investigate the allegations in the complaint.

In the event a hearing is scheduled, the Secretary serves as the hearing officer to hear any testimony and review any evidence that may be presented by the complainant, and also reviews the results of the staff investigation. Within 90 days of the receipt of a complaint, the Secretary determines whether a violation of title III has occurred. If no violation of title III is found, the Secretary dismisses the complaint. If a violation is found to have occurred, the Secretary provides a remedy. The Secretary shall make and publish a written report of the final determination.

If the Secretary fails to meet the 90-day deadline, the complaint shall be resolved through arbitration within an additional 60 days. The Secretary shall be represented by the state Attorney General's office and the complainant by chosen legal counsel. An arbitrator shall hear testimony and review evidence as necessary and shall negotiate a resolution of the complaint. The arbitrator's decision is final and binding upon all parties.

The emergency rules were published in *The Oklahoma Register* on March 1, 2004 (Volume 21, Number 9, page 561 et seq). Following the adoption, approval and publication of the emergency rules, the State Election Board staff discovered that some text had been inadvertently omitted from Section 230:55-9-7. The section was subsequently adopted again with the missing text restored and the section was again approved by the Governor and became effective on July 22, 2004. The section was again published in *The Oklahoma Register* on September 1, 2004, (Volume 21, Number 20, page 3152 et seq) and per Oklahoma law, it supersedes the original version, but has the same expiration date (July 14, 2005) as the original. The emergency rules are available online at www.sos.state.ok.us.

The Secretary of the State Election Board intends to initiate a permanent rulemaking action on these rules in either December, 2004, or January, 2005, with the intent of having permanent rules for the complaint procedure in effect no later than July 14, 2005. The permanent rulemaking process in Oklahoma includes a 30-day public comment period prior to the adoption of permanent rules, review and approval by the legislature and the Governor after adoption, and finally, publication in the *Register* prior to becoming effective.

**(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.**

Of the several activities listed, those concerning training for County Election Board personnel and Precinct Officials, promulgation of emergency rules, and revision of various forms and publications all have been accomplished.

**(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**





**(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).**

No change

**(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.**

Oklahoma's original state plan was completed and submitted to the Federal Election Commission in August, 2003. It was published by the Election Assistance Commission in the *Federal Register* on March 24, 2004. The state plan has been reviewed by State Election Board staff and this document developed to identify the areas in which specific tasks have been completed or in which progress has occurred, and those in which no action has yet been taken.

This document has been circulated to the Advisory Committee members and all have approved its contents.

**(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.**
A member of the original State Plan Advisory Committee, Tulsa County Election Board Secretary Scott Orbison, died in April, 2004. Gene Pace, the new Tulsa County Election Board Secretary, will assume the place previously occupied by Mr. Orbison on the Advisory Committee in the event that future action by the committee is necessary.

The State Plan Advisory Committee has not met since June 3, 2003, when the original state plan was approved for release for public comment. While no additional meetings are planned, the members received a copy of this document to review and approve.

State Election Board Assistant Secretary Carol Slater, whose knowledge and experience were

invaluable and irreplaceable assets to the Oklahoma election system, died on July 31, 2004. The position of Assistant Secretary has not yet been filled.

The Local Election Professional Working Committee added a new member, Wagoner County Election Board Secretary Jason Rousselot, late in 2003. The Working Committee has met twice in 2004 to review the provisional voting and voter identification procedures and recommend any necessary changes.

The first of these meetings was held on April 23, 2004, and the members had several important recommendations as a result of having used the procedures on February 3, 2004, in Oklahoma's Presidential Preferential Primary Election. The emergency rules were subsequently amended and submitted for approval by Governor Brad Henry prior to the regular state Primary Election scheduled on July 27, 2004.

The second meeting was held September 30, 2004, to again review the procedures and to evaluate the changes made and implemented in the Primary and Runoff Primary Elections. The committee had no additional recommendations for change.





## Appendix A: Administrative Complaint Procedure

Following are the emergency administrative rules adopted by the Secretary of the State Election Board which became effective on February 3, 2004. These rules were adopted in accordance with the requirements and procedures of Oklahoma Administrative Procedures Act [75 O.S. § 250 et seq]. The rules were published in the *Oklahoma Register* on March 1, 2004. No public comments have been received. An error was discovered in one section following publication. A small amount of text was inadvertently omitted from the section. The error was corrected by adopting the section again and submitting it for gubernatorial approval as required by state law. The correction was published in the *Oklahoma Register* on September 1, 2004. No public comments have been received.

The rules will be adopted under permanent rulemaking procedures and submitted for gubernatorial and legislative review early in 2005. Permanent rules will be in effect no later than July 1, 2005.

The emergency rules currently are available online at http://www.sos.state.ok.us/oar. Official copies are available only from the office of the Secretary of State. An order form and price information is available on the website referenced above. Unofficial copies are available from the State Election Board.

**Oklahoma Administrative Code**
**Title 230. State Election Board**
**Chapter 55. Help America Vote Act Procedures**
**Subchapter 9. Complaints**

**230:55-9-1. Purpose**
The purpose of the rules in this subchapter is to establish a procedure to receive, investigate and resolve complaints of alleged violations of the provisions and requirements of title III of the Help America Vote Act of 2002 (HAVA). This procedure is required by title IV of HAVA.

**230:55-9-2. Complaints**
(a) Any person who believes that a violation of title III of HAVA has occurred, is occurring, or is about to occur, may file a complaint with the Secretary of the State Election Board. Any such complaint shall be in writing, shall be notarized, and shall be signed and sworn by the complainant. A complaint shall include at least the following information.
(1) Complainant's name and mailing address
(2) The nature of the complaint

(3) The nature of the solution sought.

(4) A request for a hearing on the record, if desired. (A hearing shall be required only if requested in the complaint.)

(5) Any additional information pertinent to the complaint.

(b) The Secretary of the State Election Board shall provide, upon request, a form to be used to make a written complaint. Use of the form is not required. Any written complaint containing the information outlined in (a) of this Section shall be accepted.

**230:55-9-3. Receiving complaints**

Upon receipt of a written complaint alleging a violation of title III of HAVA, the Secretary of the State Election Board shall cause the following steps to be performed.

(1) The original complaint shall be marked with a "received" stamp that includes the date.

(2) A State Election Board staff member shall assign a unique case number to the complaint.

(3) If the complaint includes a request for a hearing on the record, the Secretary shall set a date and time for the hearing and shall issue an Order for Hearing.

**230:55-9-4. Investigation of complaint**

The Secretary of the State Election Board shall review the complaint and shall assign one or more members of the State Election Board staff to investigate the allegations contained in the complaint. Specific investigatory procedures shall be determined in consultation with the office of the Attorney General.

**230:55-9-5. Hearing**

In the event that the complainant requests a hearing on the record, the Secretary of the State Election Board shall serve as the hearing officer. In the absence of the Secretary, the Assistant Secretary of the State Election Board shall serve as hearing officer. The Secretary shall hear any testimony and shall review any evidence offered by the complainant.

**230:55-9-6. Resolution of complaint**

Not more than 90 days following the receipt of a complaint, the Secretary of the State Election Board shall make a final determination with respect to the complaint. If the Secretary finds that there has been no violation of title III of HAVA, the Secretary shall dismiss the complaint. In the event the Secretary finds that a violation of title III of HAVA has occurred, the Secretary shall provide a remedy. The Secretary shall publish the results of the investigation and the final determination.





**230:55-9-7. Alternative dispute resolution for complaint**

If the Secretary of the State Election Board fails to meet the deadline for making a final determination as provided in 230:55-9-6, the complaint shall be resolved within 60 days under the following procedure.

(1) The Secretary of the State Election Board shall be represented by the office of the Attorney General.

(2) The complainant may be represented by his or her own chosen legal counsel ~~or by a certified arbitrator~~.

(3) ~~The parties shall negotiate~~ A certified arbitrator shall be engaged to hear the complaint and to conduct negotiations between the parties to reach a satisfactory resolution of the complaint. The arbitrator shall be authorized to resolve the complaint and the arbitrator's decision shall be binding on all parties.

[In this section, over striking represents text removed and underscoring represents text added. These changes were made in a second emergency rulemaking action which became effective on July 22, 2004.]

## Appendix B: Statistics on provisional voting from 2004 elections

| Election Date – 02/03/2004 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | ----------Ballots Not Counted---------- | | | | | | |
| Reason Issued | Cntd | Part Cntd | DIS | NID | NR | PCT | PTY | Total | Total |
| ID Required | 35 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 36 |
| Not on Registry | 27 | 0 | 0 | 0 | 84 | 26 | 81 | 191 | 218 |
| | 62 | 0 | 0 | 1 | 84 | 26 | 81 | 192 | 254 |

| Election Date – 07/27/2004 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | ----------Ballots Not Counted---------- | | | | | | |
| Reason Issued | Cntd | Part Cntd | DIS | NID | NR | PCT | PTY | Total | Total |
| ID Required | 14 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 16 |
| Not on Registry | 23 | 1 | 0 | 0 | 78 | 17 | 55 | 150 | 174 |
| | 37 | 1 | 0 | 0 | 78 | 17 | 57 | 152 | 190 |

| Election Date – 08/24/2004 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | ----------Ballots Not Counted---------- | | | | | | |
| Reason Issued | Cntd | Part Cntd | DIS | NID | NR | PCT | PTY | Total | Total |
| ID Required | | | | | | | | | |
| Not on Registry | 5 | 0 | 0 | 0 | 1 | 2 | 5 | 8 | 13 |
| | 5 | 0 | 0 | 0 | 1 | 2 | 5 | 8 | 13 |

Cntd = Counted
Part Cntd = Partially Counted
DIS = Wrong District
NID = No Identification
NR = Not Registered
PCT = Wrong Precinct
PTY = Wrong Party





## Appendix C: Meeting summaries from Working Committee meetings

### Help America Vote Act
### Local Election Professionals Working Committee
### April 7, 2003

Meeting Summary

The third meeting of the Local Election Professionals Working Committee was held Monday, April 7, 2003, in the offices of the Oklahoma County Election Board. The following committee members were present: **Doug Sanderson**, Oklahoma County Election Board Secretary; **Joy Naifeh**, Creek County Election Board Secretary; **Terri Thomas**, Rogers County Election Board Secretary; **Joyce Thornburgh**, Alfalfa County Election Board Secretary; **Joyce Smith**, Grady County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; **Pam Strawn**, Cleveland County Election Board Assistant Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; and **Shelly Boggs**, Tulsa County Election Board Assistant Secretary.

In addition, the following members of the State Election Board staff were present: **Michael Clingman**, Secretary; **Carol Slater**, Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Theresa Potthoff**, Election Services Director; **Carol Morris**, Training Coordinator; **Karen Mobly**, Regional Coordinator Supervisor; **Suzanne Cox**, Publications Editor; and **Vada Holstein**, Information Representative.

**Voting Device Systems**
Montie Fisher and Theresa Potthoff reported on their recent visit to an election systems trade show in Jackson, Mississippi, organized by the Mississippi Secretary of State's office for the benefit of county election officials in that state who are considering the purchase of new, HAVA-compliant voting device and voter registration database systems. Officials from other states also were invited to the event.

**Provisional Voting Study Group Report**
Since the last meeting, Doug Sanderson organized study groups among the committee members to consider provisional voting requirements and ways in which provisional voting might be implemented in Oklahoma. The group presented the results of their work.

**Next Meeting**

The next meeting has been set tentatively for Tuesday, May 6, at 9:30 a.m. in the offices of the Oklahoma County Election Board. The meeting adjourned at approximately 3 p.m.





## Help America Vote Act
## Local Election Professionals Working Committee
## September 30, 2004

### Meeting Summary

The Local Election Professionals Working Committee met at 9:30 a.m. Thursday, September 30, 2004, at the office of the Oklahoma County Election Board. The following members and guests attended: **Joyce Thornburgh**, Alfalfa County Election Board Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; **Pam Strawn**, Cleveland County Election Board Assistant Secretary; **Joy Naifeh**, Creek County Election Board Secretary; **Joyce Smith**, Grady County Election Board Secretary; **Doug Sanderson**, Oklahoma County Election Board Secretary; **Terri Thomas**, Rogers County Election Board Secretary; **Shelly Boggs**, Tulsa County Election Board Assistant Secretary; **Jason Rousselot**, Wagoner County Election Board Secretary; and **Karen Stark**, Wagoner County Election Board Assistant Secretary.

The following members of the State Election Board staff attended: **Michael Clingman**, Secretary; **Fran Roach**, Director of Support Services; **Montie Fisher**, Director of Information Services; **Theresa Potthoff**, Director of Election Services; **Karen Mobly**, Regional Coordinator Supervisor; **Carol Morris**, Training Coordinator; **Suzanne Cox**, Publications Editor, and **Vada Holstein**, Information Representative.

This meeting was called to discuss the implementation of provisional voting and voter identification requirements to date and to identify any aspects of the procedures that should not be carried forward into the permanent rules that will be adopted early in 2005. Other topics of discussion included the status of certain federal lawsuits, controversy surrounding a national voter registration project by the NAACP, concerns about homeland security as it pertains to the election process, and, briefly, the next step toward HAVA compliance — upgrading the voter registration database and voting equipment before the scheduled federal elections in 2006.

The committee may meet again in December or January to review a draft of the permanent rules and to discuss plans for the database and voting system upgrades.

**State Plan for South Dakota**
**Public Comment Draft Document**
**As required by Public Law 107-252 Section 253(b)**
**Help America Vote Act**

**Chris Nelson**
**Secretary of State**
**State Capitol, Suite 204**
**500 East Capitol**
**Pierre, SD 57501-5070**

**Updated December 14, 2004**

On October 29, 2002 President George W. Bush signed HR 3295, "Help America Vote Act of 2001," or HAVA. This bill, now Public Law 107-252, was introduced, passed, and signed into law to address the growing concerns of election discrepancies, voter fraud, antiquated voting equipment, and accessibility by those with disabilities. HAVA introduces extensive election reform by introducing uniform and nondiscriminatory election technology and administration requirements, establishing grant programs that provide assistance to States, and improving election technology. Each polling place and county auditors' office in South Dakota will now be equipped with a voter assist terminal. A voter assist terminal is designed to make voting independent and private for those using it.

To address the requirements of HAVA the South Dakota Legislature adopted Senate Bill 13. This bill addresses the needs of HAVA by establishing guidelines for provisional voting, requiring a person to provide their drivers license number or last four digits of their Social Security Number, identifying the voter's state of issuance for their drivers license, creating guidelines for a complaint process to remedy voter grievances, and expanding South Dakota's statewide voter registration system.

A 17-member HAVA task force was formed to design a road map of how South Dakota is going to comply with the federal provisions. The group consists of the Board of Elections, county auditors, Secretary of State representatives, a state senator and representative, advocates for the community of people with disabilities, and a spokesperson from Kids Voting. These individuals have met twice and their recommendations follow in this report.

Where appropriate and necessary the South Dakota Board of Elections will oversee the state plan. South Dakota is committed to providing equal access to the voting experience to all its citizens, including persons with disabilities. Voting information will be provided, where appropriate, in alternative formats including, but not limited to Braille, disk, audio format, or enlarged font.

South Dakota has a very efficient, reliable, and trusted election process. Our implementation of HAVA is designed to enhance an all ready efficient election system. Suggestions from the task force, auditors, and public will help ensure South Dakotans have an effective and steadfast election process.

## Help America Vote Act
## State Plan for South Dakota

### SEC. 254. STATE PLAN.

**(a) IN GENERAL- The State plan shall contain a description of each of the following:**
**(1) 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.**

**301 (a)(1)(B)(i) - Establish a voter education program on the effect of casting multiple votes for an office.**

The State of South Dakota currently utilizes precinct and central count optical scan ballots and hand-counted paper ballots. It is anticipated when the HAVA changes are fully implemented, South Dakota will use precinct and central count optical scan ballots, hand-counted paper ballots and voter assist terminals. There is a need under this section to provide additional education for those precincts using central count optical scan and hand-counted paper ballots. The plans for this education include:

- Auditors will include instructions on the effect of over-voting in the voter instructions posted in the voting booth.
- The Secretary of State will provide to county auditors, for each polling place, three poster sized directions on the effect of casting multiple votes for an office and other pertinent instructions in 48-point or larger font.
- Auditors will hang poster-sized instructions from the Secretary of State in the polling place in three different locations.
- Sample ballots are currently published in each official newspaper. Request administrative rule of the State Board of Elections to require the publication of voter instructions in each official newspaper as part of the notice of election.
- Include instructions on the effect of over-voting in the voter instructions printed on each ballot.
- The Secretary of State will prepare a booklet of election procedure changes for 2004 and include the above instructions.
- The Secretary of State will provide the booklet of election procedures in accessible formats including, but not limited to18-point font, Braille, disk, and tape.
- Provide, through the Secretary of State, information to statewide organizations and political parties for inclusion in their newsletters and to hand out at conventions. Encourage private entities to participate.
- The Secretary of State will provide information to the public regarding election procedure changes and the effect of over-voting.

The South Dakota Secretary of State office and county auditor offices implemented the above bullet points for the 2004 Primary and General Elections and will continue to do so for all federal elections. The changes were considered effective.

**301 (a)(1)(B)(ii) - Establish instructions on how to correct ballot errors.**

Instructions for correction of ballot errors were rewritten in 2002 and are considered effective. The instructions are included in the voter instructions posted in the polling place and in the voting booth. It is recommended that:

- Auditors will include instructions on how to correct ballot errors in the voter instructions posted in the voting booth.
- The Secretary of State will provide to county auditors for each polling place, three poster sized directions on how to correct ballot errors and other pertinent instructions in 48-point or larger font.
- Auditors will hang poster-sized instructions from the Secretary of State in the polling place in three different locations.
- Currently sample ballots are published in each official newspaper. Request administrative rule of the State Board of Elections to require the publication of voter instructions in each official newspaper as part of the notice of election.
- The Secretary of State will prepare a booklet of election procedure changes for 2004 and include the above instructions.
- The Secretary of State will provide the booklet of election procedures in accessible formats including, but not limited to 18-point font, Braille, disk, and tape.
- Provide, through the Secretary of State, information to statewide organizations and political parties for inclusion in their newsletters and to hand out at conventions. Encourage private entities to participate.
- The Secretary of State will provide information to the public regarding election procedure changes and how to correct ballot errors.
- Ensure instructions are reviewed by a design professional for ease of reading.
- Ensure the instructions can be read or listened to by a voter with a disability.

The South Dakota Secretary of State office and county auditor offices implemented the above bullet points for the 2004 Primary and General Elections and will continue to do so for all federal elections. The changes were considered effective.

**301 (a)(3)(B) - Provide one voter assist terminal per polling place.**

The task force anticipated there will be several different voter assist terminals certified for sale in South Dakota. It was determined the State should purchase one brand of voter assist terminal to meet the "one voter assist terminal per polling place" requirement. The State would give these voter assist terminals to each county. The advantage of the "one brand" concept includes uniformity for voters, economy of scale in purchasing, and uniformity in training. Counties would be free to purchase any brand of state-certified voter assist terminal for additional units.



Counties should have one unit in each polling place and one unit in the auditor's office for absentee voting. It was decided a ratio will determine how many back-up units a county will receive. These voter assist terminals will be part of the initial purchase under this section.

The voter assist terminals purchased to meet the requirements of this section must meet the disability requirements of HAVA.

The State and counties will share the 5% match required for Title II funds to purchase the required units. Each county will provide a segment of the match money in proportion to the number of registered voters in their county.

In determining which voter assist terminal will be purchased to meet this requirement, members of the disability community will be involved in evaluating the machines.

The task force determined that it would be desirable to have the voter assist terminal contain an audio ballot in the appropriate Native American language.

The state will not require the use of voter assist terminals for non-federal elections but will allow the use of the units in those elections.

It was determined that the purchase of the voter assist terminals to meet the requirements of this section would occur in 2005 or 2006.

Voter education on the new units will be important for county election officials, poll workers and the voters. The Secretary of State will work with county auditors to provide this education.

**302 - Provisional voting.**

SB13 was passed by the SD Legislature and signed into law on March 5, 2003. Sections one through eight provides for a provisional ballot process which became effective July 1, 2003.

**302 (b) - Posting of information at the polling place.**

Posting of election instructions is currently required under state law. The instructions are posted in two locations in the polling place and in each voting booth. The text of the instructions is provided in administrative rule of the State Board of Elections. These instructions will be updated to include all of the information required under this section.

At least two sets of instructions, provided by the Secretary of State to the county auditors, printed in 48 point type should be posted.

Instructions will be placed on the Secretary of State's website. They will be made available in an audio format on the web site. These instructions will be available on the

voter assist terminals and will be added to the State Library's tapes for the blind that contain other voter information.

**303 (a)(2)(A)(ii)(I) - Felony record check.**

SB 13 was passed and signed into law on March 5, 2003. Section 15 provides for a revision in South Dakota's felony notice process which became effective January 1, 2004. The State developed an automated link between the felony records system and the statewide voter file to send notices of felony convictions to the appropriate county auditor. This check is done on new registrations and when convictions occur.

**303 (a)(2)(A)(ii)(II) - Death records check.**

SB 13 was passed and signed into law on March 5, 2003. Section 15 provides for a revision in South Dakota's death notice process which became effective January 1, 2004. The State developed an automated link between the vital statistics system and the statewide voter file to send deceased notices to the appropriate county auditor. This check is done on new registrations and when deaths occur.

**303 (a)(5)(A)(iii) - Verify driver license or verify last four digits of SSN.**

SB 13 was passed and signed into law on March 5, 2003. Section 12 provides for verifying driver license numbers and the last four digits of a social security number. This became effective January 1, 2004. The State developed an automated verification link between the South Dakota driver license records system and the statewide voter file. A system was developed to check out-of-state driver license numbers and the last four digits of a social security number. This check is done on all new registrations. A system has been developed to verify the last four digits of the Social Security Numbers. The system implementation is pending due to delays by the Social Security Administration in program development. Following the SSN verification implementation, the out-of-state drivers license check may become obsolete and be replaced by the last four digit SSN check unless an in-state drivers license is used by a person registering to vote.

**303 (b)(4) - New voter registration cards.**

The South Dakota voter registration form is prescribed in administrative rule of the State Board of Elections. This rule was amended to include the language required by HAVA.

**251(b)(2) - Other activities to improve administration of elections.**

1. A computerized link between driver license offices, the Secretary of State, and county auditors will be developed to electronically transmit new voter registration data for those who register to vote at the driver license office.

2. If there is Title I or II money, which does not need to be spent to meet the immediate requirements of HAVA, a revolving election equipment replacement fund has been established within the Election Fund to provide an ongoing source of money which counties can access to replace voting machines as needed. The fund will operate as a lease-purchase mechanism to allow counties to fund large election equipment purchases and pay for them over a period of years. Interest accrued from fund activities will stay in the account for counties to access. This will help to ensure counties can continue meeting the requirements of HAVA in the future. Legislation was enacted creating the revolving election equipment replacement fund and providing the state Board of Elections with rule making authority to establish the criteria for accessing the fund.



**254 (a)(2) For each element under item (1), determine:**

- **How we will distribute the money**
- **How we will monitor distribution of the money**
- **Criteria for eligibility of the money**
- **Method to monitor performance of recipients of the money**

**301 (a)(1)(B)(i) - Establish a voter education program on the effect of casting multiple votes for an office.**

**And**

**301 (a)(1)(B)(ii) - Establish instructions on how to correct ballot errors.**

The cost for new large print polling place instructions was paid for by the Secretary of State. The production of any special instructions in large type fonts or audio and election information booklets was done by the Secretary of State using Title I money. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for these publications. The Secretary of State will monitor performance by comparing the items suggested in the State Plan with actual accomplishment.

**301 (a)(3)(B) - Provide one voter assist terminal per polling place.**

The Secretary of State will use the Title II money to purchase sufficient voter assist terminals to supply one per polling place, one per county auditor's office for absentee voting. A ratio will determine how many back-up machines a county will receive. If there is money which is unspent after meeting the initial requirements of Title III, a revolving election equipment replacement fund is part of the election fund to provide a source for counties to obtain funding for future voting equipment purchases including replacement of the initial voter assist terminals when needed. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title II money is to be used for this purchase. The Secretary of State will monitor performance by comparing the items set forth in the State Plan with actual accomplishment.

**302 - Provisional voting.**

It is not anticipated that Title II money will be needed for this requirement.

**302 (b) - Posting of information at the polling place.**

The cost for new polling place instructions placed in the voting booth was paid for by county government. The production of any special instructions in large type fonts or audio was done by the Secretary of State using Title I money. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for these instructions. The Secretary of State will monitor performance by comparing the items set forth in the State Plan with actual accomplishment.

**303 (a)(2)(A)(ii)(I) - Felony records check.**

The Secretary of State used Title I money to pay for the computer programming necessary to automate the felony records check. The Secretary of State monitored the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State determined how much of the Title I money was spent for this programming. The Secretary of State monitored performance by ensuring the programming development was completed and thoroughly tested to ensure the felony record check was accurate.

**303 (a)(2)(A)(ii)(II) - Death records check.**

The Secretary of State used Title I money to pay for the computer programming necessary to automate the death records check. The Secretary of State monitored the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State determined how much of the Title I money was spent for this programming. The Secretary of State monitored performance by ensuring the programming development was completed and thoroughly tested to ensure the death records check was accurate.

**303 (a)(5)(A)(iii) - Verify drivers license or verify last four digits of SSN.**

The Secretary of State used Title I money to pay for the computer programming necessary to automate the drivers license and social security number records check. We understand there is a cost for states to access the social security records, so a portion of the funds will be used to pay for that access. We also understand the check of out-of-state drivers licenses will not be able to be automated so a portion of the funds will be used to conduct that check manually. The Secretary of State monitored the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State determined how much of the Title I money was spent for this programming. The Secretary of State monitored performance by ensuring the programming development was completed and thoroughly tested to ensure the drivers license and social security number check was accurate.



**303 (b)(4) - New voter registration cards.**

It is not anticipated that Title II money will be needed for this requirement.

**251(b)(2) - Other activities to improve administration of elections.**

The Secretary of State will use Title I money to pay for the computer programming necessary to automate the movement of voter registration data from drivers license offices to county auditor offices. A portion of the funds may also be needed for hardware upgrades in county auditor offices. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I or II money is to be used for this programming and hardware purchase. The Secretary of State will monitor performance by ensuring the programming development is completed and by thoroughly testing the programming to ensure all data transmission is accurate.

**254 (a)(3) - To meet the requirements of Title III, how will state provide programs for:**
**Voter education.**

In addition to the education initiatives set forth in the plan, education on the use of voter assist terminals will be crucial. The Secretary of State will work with local county auditors to provide booths at regional and state fairs as well as work with presentations to schools and community clubs. Outreach efforts will be made to statewide groups and will involve persons from the disability community. Information on the new voting systems will be produced.

**Election official education and training.**

For any of the required Title III changes to be successful, training of county election officials will be critical. Currently the state provides one day of training for county election officials prior to each federal election year. This training was expanded to a second day to cover the new requirements. Regional training may take place, if needed. Training will include the new Title III requirements including voter assist terminal operation and information on how to meet the needs of voters with disabilities.

**Poll worker training.**

County auditors are responsible for poll worker training. The Secretary of State will provide county auditors with the information they will need to train their poll workers on Title III compliance. Information on how to best meet the needs of voters with a disability will be addressed. This will include providing a PowerPoint presentation or video which can be used for the training. Tribal election officials will be encouraged to attend a poll worker training in their area to learn about the procedures used in conducting federal elections. County auditors are encouraged to work with members of

the disability community to assist in providing training on disability awareness and effective ways to respond to their needs for assistance.

**254 (a)(4) - How will the State adopt voting system guidelines and processes for Section 301:**

These guidelines and processes are encompassed in state statute and administrative rule of the State Board of Elections. These either have been or will be amended as needed to comply with the requirements of Section 301.

**254 (a)(5) - Describe the election fund and the management of that fund:**

This fund has been established within South Dakota state government's accounting system. The account is managed by the Secretary of State. Any expenditure from the Election Fund must be approved through the normal state government appropriation process. Expenditures will be included as a budgetary line item in the State's annual budget which is approved by the Legislature and Governor.

All expenditures from the fund will be subject to the normal state government accounting and audit procedures. Interest income generated by the account will be credited to the account.

**254 (a)(6) - Budget:**

- **Costs for each of the Title III requirements.**
- **How will the requirements payment be used for Title III?**
- **For what else will the requirements payments be used?**

| Section | Requirement | Amount Budgeted |
|---|---|---|
| 301 (a)(1)(B)(i) | Establish a voter education program on the effect of casting multiple votes for an office. | $2,000 |
| 301 (a)(1)(B)(ii) | Establish instructions on how to correct ballot errors. | $2,000 |
| 301 (a)(3)(B) | Provide one voter assist terminal per polling place, one per auditor's office, and an appropriate ratio of back-up machines to the counties. | $5,000,000 |
| 302 | Provisional voting. | $0 |
| 302 (b) | Posting of information at the polling place. | $1,000 |
| 303 (a)(2)(A)(ii)(I) | Felony records check. | $36,000 |
| 303 (a)(2)(A)(ii)(II) | Death records check. | $36,000 |
| 303 (a)(5)(A)(iii) | Verify driver license or verify last four digits of SSN. | $150,000 |
| 303 (b)(4) | New voter registration cards. | $0 |
| 251(b)(2) | Other activities to improve administration of elections. | $100,000 |
| 254 (a)(5) | Describe the election fund and the management of that fund (county money to meet Title III requirements). | $3,000,000 |
| 254 (a)(5) | Describe the election fund and the management of that fund (voting equipment revolving fund). | $3,269,803 |
| **Total** | | $11,596,803 |



The requirements payments and matching funds will be used for items which are not paid for with Title I funds. Any unspent Title II money will be used for a voting equipment revolving fund to ensure South Dakota can continue to meet the mandates of this Act in future years. The interest accrued from the revolving fund will be kept in the fund and used for the grants to counties and/or entities.

**254 (a)(7) - State maintenance of effort plan.**

The state has very limited expenditures for election administration. There is no separate budgetary line item for election administration. The estimated state expenditures for FY2000 was $55,024. Most election funding is done by the counties. The current state level funding provides for one staff person in the elections department of the secretary of state's office. Normal support expenses for this person include office space, telephone, postage, travel, computer support and printing. The Secretary of State will continue to operate and fund this department as it always has. There will be no reduction in expenditure of state general funds from fiscal year 2000.

**254 (a)(8) – Adopt Performance Goals and Measures for the State and for counties:**

**301 (a)(1)(B)(i) - Establish a voter education program on the effect of casting multiple votes for an office.**

| | |
|---|---|
| Performance Goal | Eliminate overvotes |
| Performance Measurement | Those counties which have a capability to produce overvote reports from their voting systems, will produce those reports and file a summary of overvotes per race. |
| Timetable | 2004 and 2006 general elections |
| How to Measure Performance | Determine the proper instructions were posted in the polling place. Compare percentage of overvotes to votes cast in each of these elections. |
| Who will Measure | County auditors will report to the Secretary of State. |

**301 (a)(1)(B)(ii) - Establish instructions on how to correct ballot errors.**

| | |
|---|---|
| Performance Goal | Provide easily accessible instructions in each polling place. |
| Performance Measurement | Are the instructions posted? |
| Timetable | 2004 and 2006 general elections |
| How to Measure Performance | Determine the proper instructions were posted in the polling place. Precinct workers report to county auditor on compliance. |
| Who will Measure | County auditors |

Based on the 2004 Primary and General Elections, this goal is determined to be effective.

**301 (a)(3)(B) - Provide one voter assist terminal per polling place.**

| | |
|---|---|
| Performance Goal | Provide one disabled accessible voter assist terminal per polling place. |
| Performance Measurement | Is there a functioning machine in each polling place? |
| Timetable | 2006 primary and general election |
| How to Measure Performance | Precinct workers report to county auditor on compliance. |
| Who will Measure | County auditors |

**302 - Provisional voting.**

| | |
|---|---|
| Performance Goal | 1. Provide notice to voters on availability of provisional ballot.<br>2. Provide provisional ballot materials at each polling place.<br>3. Train poll workers on provisional ballot requirements.<br>4. Offer provisional ballots to voters who qualify.<br>5. Allow all voters who claim to be registered to vote in the precinct, but who can't be confirmed to vote a provisional ballot. |
| Performance Measurement | Monitor the number of calls to county auditors or Secretary of State reporting a person was not able to vote a provisional ballot. |
| Timetable | 2004 and 2006 general elections |
| How to Measure Performance | Determine the auditors were trained by the Secretary of State, the poll workers were trained by the auditors, training materials were provided to the auditors, and provisional ballots were printed and available at the polling place. |
| Who will Measure | County auditors will report to Secretary of State. |

Based on the 2004 Primary Election, there was confusion from some poll workers on #4 and #5 of the provisional voting performance goal. Additional training took place and after the 2004 General Election this goal is determined to be effective.

**302 (b) - Posting of information at the polling place.**

| | |
|---|---|
| Performance Goal | Provide easily accessible instructions in each polling place including at least three 48-point or larger font poster-sized versions. |
| Performance Measurement | Are the instructions posted? |
| Timetable | 2004 and 2006 general elections |
| How to Measure Performance | Determine the Secretary of State provided the auditors three poster-sized directions in 48-point font or larger addressing provisional voting and hours of operation of the polling place. Determine the auditor displayed a sample ballot, directions on overvoting, how to mark a ballot, and how to correct a ballot in each voting booth. Precinct workers report to county auditor on compliance. |
| Who will Measure | County auditors |

Based on the 2004 Primary Election, this goal is determined to be effective.

**303 (a)(2)(A)(ii)(I) - Felony record check.**

| | |
|---|---|
| Performance Goal | Every person convicted of a felony and sentenced to the adult state penitentiary system is removed from the voter registration list and is not able to reregister until their entire sentence is completed. Establish a computer system to conduct checks and notify auditors about felony convictions. |
| Performance Measurement | 1. Ensure each new or updated voter registration is checked against the felony conviction file.<br>2. Ensure all new felony convictions are checked against the statewide voter file.<br>3. Remove all those who are ineligible from voter file.<br>4. Secretary of State will double check felony convictions identified by this system to prevent erroneous removal of eligible voters. |
| Timetable | January 1, 2004 |
| How to Measure Performance | Verify accuracy of the telephone complaint against actual voter and felon records. |
| Who will Measure | County auditor and Secretary of State |

Based on the 2004 Primary and General Elections, this goal is determined to be effective.

**303 (a)(2)(A)(ii)(II) - Death records check.**

| | |
|---|---|
| Performance Goal | Every deceased person is removed from the voter registration list and that no deceased person's name is added to the voter registration list. Establish a computer system to conduct checks and notify auditors about deaths. |
| Performance Measurement | 1. Ensure each new or updated voter registration is checked against the vital statistics file.<br>2. Ensure all new deaths are checked against the statewide voter file.<br>3. Remove all those who are deceased from voter file.<br>4. Secretary of State will double check death notices identified by this system to prevent erroneous removal of eligible voters. |
| Timetable | January 1, 2004 |
| How to Measure Performance | Verify accuracy of the report against actual voter and death records. |
| Who will Measure | County auditor and Secretary of State |

Based on the 2004 Primary and General Elections, this goal is determined to be effective.

**303 (a)(5)(A)(iii) - Verify driver license or verify last four digits of SSN.**

| | |
|---|---|
| Performance Goal | Ensure no person is allowed to register to vote without providing an accurate driver license number or last four digits of their social security number. |
| Performance Measurement | Establish computerized and manual access system for information verification to validate all new registrations. |
| Timetable | January 1, 2004 for drivers licenses. We will be ready to verify SSN's when the Social Security Administration completes their verification system. |
| How to Measure Performance | Verify accuracy of the system by comparing actual voter and driver license records. |
| Who will Measure | Secretary of State |

Based on the 2004 Primary and General Elections, the drivers license section of this goal is determined to be effective.

**303 (b)(4) - New voter registration cards.**

| | |
|---|---|
| Performance Goal | Provide voter registration forms which comply with HAVA. |
| Performance Measurement | Check to make sure all official voter registration sites have new forms. |
| Timetable | July 1, 2003 |
| How to Measure Performance | Telephone and mail verification with sites. |
| Who will Measure | County auditor and Secretary of State |

Based on the 2004 Primary and General Elections, this goal is determined to be effective.

**251(b)(2) - Other activities to improve administration of elections.**

| | |
|---|---|
| Performance Goal | Provide daily electronic transmission of new voter registration data from all driver license offices to the appropriate county auditor office. Eliminate missed voter registration deadlines because of registration card transit time. |
| Performance Measurement | Affirm all voter registrations completed at a driver license office by a registration deadline are added to the official registration list for that election. |
| Timetable | 2005 |
| How to Measure Performance | Affirm all voter registrations completed at a driver license office by a registration deadline are added to the official registration list for that election. |
| Who will Measure | County auditor and Secretary of State |

**254 (a)(9) - Describe administrative complaint procedure:**

This procedure is provided in sections 16 though 25 of SB 13 which became effective July 1, 2003. Initial complaints will be resolved by the State Board of Elections utilizing an existing



administrative complaint process. The alternative dispute process involves judicial appointment of an arbitrator to resolve the complaint.

**254 (a)(10) - What Title I funds will be used for:**

Title I funds will be used for punch card system buyouts, voter education, statewide voter registration system programming and hardware, training and materials for election personnel, travel for election personnel, state plan development and for a Help America Vote Act coordinator.

Unspent funds will be used for grants and/or to develop a revolving election equipment replacement fund to be used to ensure compliance with state and federal election laws and to improve the election process.

**254 (a)(11) - How state will conduct ongoing management of the "state plan" including who will make changes to the plan.**

The Secretary of State and State Board of Elections will monitor the activities provided for in the state plan. Any changes to the plan will be done by the State Board of Elections, with input from the HAVA Task Force members, using an open hearing process.

Below is an update version of who may make changes and give input to the state plan:

| First | Last Name | Organization Name | City |
|---|---|---|---|
| Chris | Nelson | Secretary of State | Pierre |
| Kea | Warne | Secretary of State | Pierre |
| Sue | Roust | Minnehaha County Auditor | Sioux Falls |
| Julie | Pearson | Pennington County Auditor | Rapid City |
| Patty | Pearson | Kids Voting | Pierre |
| Linda Lea | Viken | State Board of Elections | Rapid City |
| Karen | Layher | Grant County Auditor | Milbank |
| Gail | Brock | State Board of Elections | Huron |
| Shelly | Pfaff | Coalition of Citizens With Disabilities | Pierre |
| Robert | Kean | SD Advocacy Services | Pierre |
| Julie | Bartling | State Representative | Burke |
| Michael | LaPointe | State Senator | Mission |
| Nick | Nemec | SD Democratic Party | Holabird |
| Richard | Casey | State Board of Elections | Sioux Falls |

**254 (a)(12) - Not applicable**

**254 (a)(13) - Description of the task force:**

The HAVA state plan task force was appointed by the Secretary of State. Members of the task force include the election officials from our two largest counties, all of the State Board of Elections members, representatives from organizations representing those who are disabled, state

legislators and representatives of the recognized political parties. The original task force members were:

| First | Last Name | Organization Name | City |
|---|---|---|---|
| Chris | Nelson | Secretary of State | Pierre |
| Kea | Warne | Secretary of State | Pierre |
| Sue | Roust | Minnehaha County Auditor | Sioux Falls |
| Julie | Pearson | Pennington County Auditor | Rapid City |
| Patty | Pearson | Kids Voting | Pierre |
| Linda Lea | Viken | State Board of Elections | Rapid City |
| Karen | Layher | Grant County Auditor | Milbank |
| Nelva | Kristofferson | State Board of Elections | Britton |
| Gail | Brock | State Board of Elections | Huron |
| Carol | Klumper | Union County Auditor | Elk Point |
| Beth | Benning | State Board of Elections | Spearfish |
| Shelly | Pfaff | Coalition of Citizens With Disabilities | Pierre |
| Robert | Kean | SD Advocacy Services | Pierre |
| Julie | Bartling | State Representative | Burke |
| Michael | LaPointe | State Senator | Mission |
| Nick | Nemec | SD Democratic Party | Holabird |

# Amended Texas State Plan
# Pursuant to the Help America Vote Act of 2002
# (HAVA)
# January, 2005

Geoffrey S. Connor
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us
(800) 252-VOTE(8683)





Amended Texas State Plan

1. **How the requirements payments (i.e., Title II funds) will be used to meet the mandates in Title III (new federal requirements)**

**Brief Overview of State Elections Structure**

The Secretary of State ("SOS") is the chief election officer of the state and is required to maintain uniformity in elections held in the state and to advise and assist local officials who actually conduct elections. The Secretary of State also has authority to adopt administrative rules to gain uniformity in interpretation of state election laws and procedures.

The conduct of elections in Texas is decentralized. The statutory requirements for elections are set out in the Texas Election Code. The county clerk or county election administrator, in those counties that have created the office, is generally the official charged with conducting county elections. County voter registrars maintain the official list of registered voters; the voter registrar is generally either the county tax assessor-collector, or again the election administrator. The county political parties conduct primary elections in Texas, with the county chair as the chief elections official. Early voting in the primary is conducted by the county elections official.

Other elections are conducted by the political subdivision. City elections are held by the city, school district elections by the school, and so on. These political subdivisions often contract with the county to conduct their election or hold joint elections with one another, but they are not required to do so. They utilize the county list of registered voters appropriate for their locality.

The Secretary of State maintains an unofficial state list of registered voters. The Secretary of State's office houses and maintains a state master file of all registered voters. The Secretary of State also maintains the Texas Voter Registration Online System ("TVRS"), which is a voluntary online voter registration system currently used by 164 of 254 counties. For those counties utilizing the TVRS system, the state database reflects their "official" voter file. The master file has approximately 12.1 million active voters and also stores approximately 2.5 million cancelled voters at any given time. The state master file maintains two separate tables defined for either "offline" or "online" counties. An offline county updates the masterfile through a web browser application, on a weekly basis in a pre-specified standard record layout. TVRS counties update in real time with all transactions validated and updated per session. At present, voter registration systems are reviewed by the Secretary of State's office to ensure that they are capable of submitting reports in a standard format as required by the state.

Texas is a state covered under Section 5 of the federal Voting Rights Act, which requires changes in election processes to be submitted to the Voting Section of the U.S. Department of Justice ("DOJ") for review prior to enforcing the change. At the state level, the Secretary of State submits changes in state election procedures. At the local level, each county must submit its changes to DOJ. These include polling place changes, change in the method of election, and adoption of new voting systems, among others.

According to the 2000 decennial census, the voting age population of Texas was 14,965,061. The state had 12,365,235 registered voters for the 2000 general election. In the 2002 November general election, the number of registered voters was 12,563,459.

Turnout in the 2000 November general election for state and county officers was 6,407,637, which constituted 51.8% of the registered voters and 42.8% of the voting age population. Turnout in the 2002 general election for state and county officers was 4,553,979, which constituted 36.2% of registered voters and 30.4% of the voting age population, using the 2000 census numbers.

In November 2000, the breakdown of election systems used by counties was:

| | |
|---|---|
| Paper Ballot: | 90 |
| Optical Scan: | 150 |
| Punch Card: | 14 |
| Lever Machine: | 3 |
| DRE: | 4 |

Attached as Table 2 (page 22) is a list of the county by county breakdown of voting systems. The Secretary of State is the authority charged with certifying voting systems for use in the state.

How the state will meet the Title III requirements is described in Table 1 below. The charts have been updated to reflect the current status and action planned as of January 2005.

**Table 1**

| Voting System Standards<br>HAVA Requirement | Sec. 301<br>State of Texas Current Status | Action Planned |
|---|---|---|
| All voting systems shall permit a voter to verify/review selections before casting the vote. | Meets the requirement. Texas Election Code (TEC) Sections 64.007 and 129.001(b). | No action needed. |
| Allow voter to change or correct any error on the ballot before casting the vote. | Meets the requirement. TEC Section 64.007. | No action needed. |
| Prevent or alert voter if he/she overvotes on the ballot. | Partially meets the requirement. DRE systems and precinct count optical scan systems alert the voter of an overvote.<br><br>Manually counted paper ballots, centrally counted optical scan ballots, and punch card ballots do not alert the voter of overvotes.<br><br>Current process on mail-in paper absentee ballots would not meet the requirement. | A voter education campaign will be implemented in all centrally counted optical scan and paper ballot precincts no later than January 1, 2006, to educate voters on the effect of an overvote on these systems. |





| Voting System Standards<br>HAVA Requirement | Sec. 301<br>State of Texas Current Status | Action Planned |
|---|---|---|
| All voting systems must be able to produce a paper audit trail of all votes cast. | Meets the requirement; state law currently requires real time audit of all election activity. TEC Section 122.001(a) | No action needed. |
| Voting systems must be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for privacy and independence as other voters.<br><br>This requirement may be met by having at least one DRE or other system equipped for individuals with disabilities at each polling site. | Partially meets the requirement.<br><br>13 counties have adopted an accessible DRE voting system. Most counties do not meet this requirement. | Upgrade existing voting systems or purchase new systems. All polling places will be required to be equipped with at least one DRE no later than January 1, 2006 pursuant to House Bill 1549. |
| Voting systems shall provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965. | All certified voting systems meet this requirement for Spanish language, and one voting system has been certified for the Vietnamese language. | No action needed. |
| All voting systems shall have error rates (machine errors only) that do not exceed the Federal Election Commission standards. | Meets the requirement.<br><br>This requirement was added to state law in HB 1549. | No action needed. |
| A uniform definition of what constitutes a vote for each voting system in use in the state. | Meets this requirement.<br><br>State law was passed to provide a uniform definition for what constitutes a vote. House Bill 1549 (2003) | No further action required. |

| Provisional Voting and Voting Information Requirements<br>HAVA Requirement | Sec. 302<br>State of Texas Current Status | Action Planned |
|---|---|---|
| A provisional voter is to be allowed to vote a paper ballot or an electronic ballot upon the completion of an affidavit. The ballot will be sealed in an envelope or electronically stored separately from the regular votes. The provisional ballot is to be transported to the appropriate election officials for determination of eligibility and counted if voter | State law was amended to provide procedures to meet this requirement effective January 1, 2004 pursuant to House Bill 1549. The Secretary of State has adopted administrative rules to provide specific procedures and has adopted forms to assist in the implementation of this new process. | No further action needed. |

| Provisional Voting and Voting Information Requirements | Sec. 302 | |
|---|---|---|
| HAVA Requirement | State of Texas Current Status | Action Planned |
| is deemed eligible. | | |
| Each voter who casts a provisional vote shall be given written information on how he or she can ascertain whether his or her vote was counted, and if not why. | State has developed administrative rules and has adopted forms to implement this requirement. | No further action needed. |
| Establish a free access system, such as toll-free phone number or Internet website, allowing provisional voters to ascertain whether their vote was counted, and if not why. | State rules require the provisional voter to be notified via mail whether the voter's ballot was counted, and if the ballot was not counted, the reason why it was not counted. | No further action needed. |
| Post in each polling place a sample version of the ballot that will be used on election day. | State law passed to make it mandatory to post a sample ballot at each polling location. | No further action needed. |
| Post information regarding the day of the election and polling hours. | State law passed to require this posting. | No further action needed. |
| Post general information on state and federal voting rights and the right to a provisional vote if the requirements to vote are met. | State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004. | No further action needed. |
| Post general information on federal and state laws prohibiting acts of fraud and misrepresentation. | State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004. | No further action needed. |
| Any voter who casts a vote as the result of a federal or state court order extending polling hours, shall do so on a provisional ballot, and it shall be kept separate from other provisional ballots. | State law amended to provide for this occurrence and law became effective January 1, 2004. Precinct election forms were designed to accommodate this occurrence. | No further action needed. |

| Computerized Statewide Voter Registration System | Sec. 303 | |
|---|---|---|
| HAVA Requirement | State of Texas Current Status | Action Planned |
| State shall implement a uniform, official, centralized, interactive computerized statewide voter registration list. | Does not meet the requirement.<br><br>Currently, 164 counties use the Secretary of State voter registration program to register and maintain their lists of voters. The data is held at the Secretary of State's Office. | State law was amended to require a statewide official list maintained at the Secretary of State's office. The state |





| Computerized Statewide Voter Registration System | Sec. 303 | |
|---|---|---|
| HAVA Requirement | State of Texas Current Status | Action Planned |
| | State law requires the state to maintain a copy of the list of registered voters, and counties have to update to the state database once a week. The state database is not considered the official list of voters. | completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway. |
| Perform list maintenance to ensure only qualified voters appear on the list, including felons and deaths of registrants. | State meets this requirement. State receives information from other state agencies regarding deaths and felons and provides this information to county voter registrars on a weekly basis. | No action needed. |
| Ensure that only voters who are not registered or who are not eligible are removed from the computerized list. | State meets this requirement. State law prescribes narrow guidelines regarding canceling a voter's registration. Only with a positive name and identification number match can a voter be canceled. The local county voter registrar, not the state, cancels voters. Voter registrars may not cancel based on information provided by a vendor unless that information is verified by the voter registrar by a public record. TEC, Chapter 16 and Section 18.0121. | No action needed. |
| Ensure that voter registration records are accurate and updated regularly. | Does not meet the requirement. | State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway. |
| State to verify applicant's driver's license or social security number prior to approval of applicant. | Does not meet the requirement. | State law was amended to require a statewide official list maintained at the Secretary of State's |

| Computerized Statewide Voter Registration System HAVA Requirement | Sec. 303 State of Texas Current Status | Action Planned |
|---|---|---|
| | | office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway. |
| State to assign unique identifier if applicant does not have driver's license or social security number. | Does not meet this requirement. | State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway. |
| Require appropriate identification for first time voters if a computerized list has not been implemented. | State law was amended to require identification at time of registration for first time voters registering to vote by mail effective January 1, 2004. | No further action required. |
| Voter registration application is required to have additional information printed on it. | State has prescribed new form, and has distributed to all counties. | No further action required. |

**2. How Title II requirement payments will be monitored and distributed for the purpose of meeting the mandates in Title III, including determining the eligibility for receipt of payments and our methods for monitoring the performance of the local entities' continued eligibility.**

The SOS has developed an online grant application and management system. This system is essential for the SOS to establish an infrastructure and the necessary controls to effectively manage the HAVA funds and to accurately report the necessary programmatic and financial information to the federal government. Figure 1 (page 15) outlines the currently approved





requirements payments budget for the 2003 fiscal year appropriation and the proposed budget for the 2004 fiscal year appropriation. The following is a description of how the funding has and will be distributed to funding recipients as well as a description of the funding allotments to each county.

**Grant Award Process**

In September 2004, an award agreement was sent to each Texas county judge. As the chief executive officer of the county, the judge is required to sign the award agreement. To secure the funding, there are three basic steps:

1. The award agreement must be signed and returned to the Office of the Secretary of State.
2. A resolution from the county's governing body (i.e., county commissioners court) must be submitted as well. Required language for the resolution is included in the award agreement.
3. The online forms located on the Texas HAVA online grant system must be satisfactorily completed. The forms require information such as the official county address as well as the county's Employer Identification Number, State Vendor ID (VIN), and 3-digit Mail Code. The State Vendor ID is assigned by the State Comptrollers Office when an entity receives funds from the state and is comprised of the federal ID number plus a few other digits. The mail code determines which account the funds will be direct deposited into or whether a state warrant will be mailed. The county financial officer (i.e., county auditor or treasurer) will have this information. The county is also required to enter a detailed budget for each funding allocation. Guidelines regarding eligible uses for each funding allocation are included in the award agreement as well as the online forms. Grant activities must also be entered into the grant system where applicable.

DEADLINE TO APPLY FOR FUNDING - The FY 2003 funds will be available through August 31, 2006. Because not all counties will develop their funding priorities at the same rate, there are no deadlines currently imposed by the SOS for the counties to complete the online forms. However, all counties are encouraged to submit the signed grant award agreement that was sent to the county judge along with the required resolution from the commissioners court as soon as possible. The SOS may impose deadlines if an excessive amount of time elapses and the county has taken no action to secure the funding.

RESOLUTION - In addition to the parties that typically sign a resolution for the county (e.g., the county judge and the commissioners), the county election official(s) and the county financial officer must also sign the resolution.

GRANT AWARD APPROVAL AND REQUESTING REIMBURSEMENT - After the SOS has received the signed agreement that was sent to the county judge, the required resolution from the commissioners court as outlined in the award agreement, and the online forms have been submitted via this system, the SOS will review the documents and online forms for accuracy and completeness. Upon SOS approval, an email notification will be sent to the county judge, the election official(s), and the financial officer (Note: an email notification will only be sent if the

user provides one when entering his or her contact information). At that time, the county financial officer will have access to submit reimbursement requests via the grant system.

**Funding Allocations - Fiscal Year 2003 Appropriation**

Accessible Voting System in Each Polling Place

These funds are to be used for reimbursement of county costs incurred as a result of obtaining a HAVA-compliant accessible voting system in each polling location. This requirement may be met by having at least one accessible direct recording electronic voting system ("DRE") or other system equipped for individuals with disabilities at each polling site. The reimbursable amount each county is eligible for is calculated based on the number of precincts (polling places) used during the 2000 federal election multiplied by $3,000.

General HAVA Compliance

These funds may be used by the county for voter education, election worker education, upgrading voting systems to comply with new federal standards – including compatibility with the new statewide voter registration system, and acquiring an accessible voting system in each polling place. Priority will be given to acquiring an accessible voting system is each polling place because of the January 1, 2006 compliance mandate.

The reimbursable amount each county is eligible for is calculated based on the county's voting age population during the 2000 federal election as a percentage of the state's total voting age population and the total budgeted amount for general HAVA compliance. However, each county that would receive less than $5,000 based on the formula will receive $5,000.

**Funding Allocations - Fiscal Year 2004 Appropriation**

Because the FY 2003 allotment of funding will not cover all of the county costs to purchase an accessible voting system in each polling location, Texas has proposed to increase the Requirements Payments to the counties by 200 percent. By fully funding the costs associated with acquiring at least one accessible voting system for each polling location, counties will be less likely to object to the HAVA mandate. Additionally, the counties may seize the opportunity afforded by the available federal dollars to fully update their outdated voting systems, rather than simply purchasing the HAVA-required minimum of one accessible system per polling location. The SOS will likely amend the current award agreement between the state and the counties or draft a new agreement to accommodate the additional funding.

**Grant Regulations and Grant Oversight**

The Secretary of State will develop a monitoring plan in 2005. The monitoring function may be outsourced or may be handled internally or a combination of the two may be employed. This grant program falls under the general requirements of the Uniform Grant Management Standards ("UGMS") prescribed by the Texas Office of the Governor. UGMS prescribes a standard set of





financial management procedures and definitions and ensures accountability for expenditure of public funds. UGMS also incorporates the following federal regulations:

- OMB Circular A-87
- OMB Circular A-102
- "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988
- OMB Circular A-133

Per the terms and conditions of the award agreement, any funding received by the county, regardless of the purpose, is contingent on each polling place within the county must have a voting system that is SOS-certified as accessible for individuals with disabilities, including non-visual accessibility for the blind and visually-impaired, in a manner that provides the same opportunity for privacy and independence as other voters no later than January 1, 2006.

**3. Voter Education, Election Official Education and Training, and Poll Worker Training**

**a. Voter Education Plan Goal**

The state will develop a comprehensive voter education plan to educate voters on certified voting systems and the proper use of those voting systems, with special emphasis on accessibility issues as it relates to the use of voting systems. Components of the education plan will include the statewide voter registration system, and how to vote a provisional ballot. The state has a responsibility to ensure that the voting process and our systems of voting are accurate, secure, and accountable. Our voter outreach efforts will need to be designed to reflect and incorporate the diverse populations of Texas through a well-executed, adaptable program, delivered in an easy-to-use format, and in alternative formats for individuals with disabilities. The mediums for delivery of this voter education program will need to be equally diverse.

**b. Educating the Voter**

- The state surveyed the 254 counties, compiled a list of best practices, and developed resources to supplement existing training materials for the voter. The Secretary of State will release an RFP in 2005 for the HAVA Education piece that will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. HAVA funding will be used for education as it relates to Title III of HAVA, which includes educating the voter on: 1) How to verify/review selections before casting the vote. 2) How to change or correct any error on the ballot before casting the vote. 3) How to avoid over voting. 4) How individuals with disabilities, including non-visual accessibility for the blind and visually impaired, can access the voting system in a matter that provides the same opportunity for privacy and independence as other voters. 5) How the county's voting system provides alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965. 6) What constitutes the uniform definition of the voting

system(s) in use in the county? And 7) How to vote a provisional ballot, including written information on how the voter can ascertain whether his or her vote was counted, and if not, why.

Although HAVA funds were not spent on education prior to the 2004 elections we, at the state level:

- Revised all of our brochures, including Services Available to Voters with Special Needs, Texas Voting, Early Voting in Texas, and Volunteer Deputy Registrar Guide. Those brochures are on our web site and also available in hard copy.
- The following brochures have been developed, and are available via our web: Young Texas Voters; When Your Home is Your Polling Place; and Conducting a Successful Voter Registration Campaign.
- The following new items/brochures were developed and disseminated statewide to election officials and upon request to voters: What Every Texan Needs to Know About Elections in Texas (targeting First Time Voters); Voter Rights Poster and Overvote/Undervote Poster.
- We developed and disseminated the Project V.O.T.E. (Voters of Tomorrow through Education) Student Mock Election Curriculum for teachers regarding the conduct of a mock election, for Texas students, kindergarten through 12th grades. Over a half million students participated in the 2004 Texas Student mock election.
- A PowerPoint Presentation was developed titled "Voter Education-A General Overview." This presentation was/is designed for civic groups, charitable and non-profit organizations for conducting voter registration drives.
- The Secretary of State appointed a virtual voter education advisory committee composed of voter advocacy groups and other interested stakeholders to advise the Secretary of State on HAVA-related voter education materials and programs.

**c. Election Officials Education and Training**

- The state developed a comprehensive training component for Election Officials that included videos; pamphlets; updated handbooks; and an election-based training module prior to January 2004. The new training program and educational resources explain all the components of HAVA, including: overvote and undervote; provisional voting; DRE's; voters rights; the administrative hearing process; new voting system requirements; statewide voter registration system requirements; methods of poll worker training; accessibility for people with disabilities; and alternative language requirements.
- The state will look into the possibility of developing an outreach program working with the Department of Public Safety (DPS) to provide resources and materials to improve the voter registration process no later than July 2006.





- The state will continue to work proactively with election officials to assist and advise in the recruitment of college and university students as poll workers.
- The state will investigate the possible creation of an on-line training module for election officials, with a possible certification component no later than January 2006.

**d. Training of Poll Workers**

- The State has developed and disseminated statewide a new curriculum for Election Judges and Clerks, complete with a training video for preparing the polling place, qualifying voters, closing the polling place and discussing new law and HAVA. The curriculum for Election Judges and Clerks also has a testing component. We were successful in training over 49,000 poll workers before our 2004 Primary Elections.
- Regional schools for the training of election judges and clerks for the 2004 Election were conducted prior to the Primary and General Elections. Secretary of State staff traveled the state, educating election officials about Texas law, HAVA, and in some locations, we partnered with the Coalition of Texans with Disabilities, who presented a unit on voters with disabilities and educating election officials on the rights of disabled voters.

**4. How the state will adopt voting system guidelines consistent with Sec. 301 (Sec. 254, a, 4).**

Voting System Standards

The state of Texas' voting systems standards contained at Section 122.001 of the Texas Election Code are already in substantial compliance with the requirements set out in Section 301(a)(1) of HAVA. Pursuant to an administrative rule adopted by the Secretary of State, Rule 81.61, before any voting system may be certified for use in a Texas election, the voting system must meet the voluntary voting systems standards promulgated by the Federal Election Commission. Texas Administrative Code § 81.61 (Tex. Sec. of State).

Overvote and Opportunity to Correct Ballot

All systems used in Texas allow a voter to change his or her vote. In a paper or optical scan ballot system, a voter may receive up to two replacement ballots if he or she makes an error marking the original ballot. Texas currently posts voting instructions that inform the voter of his or her right to replace a spoiled ballot.

Precinct-level optical scan voting systems inform the voter of an overvote in a particular race and give the voter an opportunity to correct the ballot. Texas Administrative Code § 81.52 (Tex. Sec. of State). Direct Recording Electronic voting systems ("DRE's") currently certified for use in Texas and mechanical lever machines do not allow for overvoting. In those entities using hand-counted paper ballot, central count optical scan, mechanical lever machines or punch card voting systems, the voter is not informed when he or she overvotes in a race. However, language will be added to voter instructions to inform voters of the

definition and consequences of an overvote, and Texas will establish a voter education program to explain the effect of overvoting. Punch card and lever voting systems will be phased out of use. The Texas Legislature passed legislation this year to prohibit their use after January 1, 2006.

All of the systems used in Texas allow voters to view their choices before they cast their ballot. DRE voting systems are already required under current state law to present voters with a summary screen of the entire ballot to allow voters to review and change their choices prior to the final cast of the ballot.

Manual Audit

Electronic voting systems are required under state law to provide records from which the operation of the voting system may be audited. In addition, the Secretary of State has adopted an administrative rule, Section 81.61, which requires a real time audit log that records all significant election events and records the date and time of each event. Also, due to the fundamental inability of lever machines to produce a manual audit of its records, Texas has recently passed a law that prohibits the use of these systems in elections after January 1, 2006.

Accessibility

Under HAVA, the voting system must be accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters. HAVA provides that this requirement may be met by placing a DRE or other accessible voting unit in each polling place.

Texas law currently requires voting systems acquired on or after September 1, 1999 to comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and to provide a practical and effective means for voters with physical disabilities to cast a secret ballot. Detailed guidelines as to what constitutes an accessible voting system have been adopted by administrative rule which is enclosed. In all the remaining polling places throughout the state which use voting systems that do not meet the accessibility guidelines, counties will purchase at least 1 DRE per polling place in order to satisfy the requirements.

The state legislation implementing HAVA repeals the current voting system accessibility law and replaces it with language which tracks the federal law for accessibility. Until the Election Assistance Commission issues HAVA-compliant accessibility standards, Texas will continue to evaluate accessibility based on the state rule and FEC accessibility standards.

Language Accessibility

Because Texas is a state covered by Section 1973aa-1a and Section 1973b(f)(4) of the federal Voting Rights Act, voting systems are already required to provide alternative language





accessibility to the ballot. Statewide, Spanish has been required since 1975 and ballots have been required to be in English and Spanish since that time. As a result of the 2000 census, in some areas of the state, Vietnamese, Kickapoo, and Pueblo languages are required. Review of whether a voting system provides alternative languages is already an element of voting system certification in Texas.

Error rates

HAVA requires that the counting error rate of voting systems must comply with the standards established under the Federal Election Commission. Secretary of State Administrative Rule 81.61 requires that before a voting system may be certified for use in Texas, the voting system must meet the voluntary voting system standards promulgated by the Federal Election Commission. In addition, the state legislation adopted to implement HAVA amends the Texas Election Code to require that all voting systems comply with the error rate standards adopted by the Federal Election Commission.

Definition of "Vote"

Current state law contains a detailed definition of a punch card vote. Texas has recently passed legislation that fully defines what constitutes a vote cast under hand-counted paper ballot, optical scan, and lever machine systems. See Exhibit D.

**5. How the Election Fund will be established and managed (Sec. 254, a, 5).**

The Texas Legislature created an "Election Improvement Fund" as a dedicated account in the general revenue fund and consists of federal funds designated for election improvement, matching funds from the state or a political subdivision, and depository interest earned on the assets of the fund. The state has appropriated funds to satisfy the five percent match requirement of Section 253 of HAVA in House Bill 1549, 78th Regular Session, 2003. The fund will be managed according to the Uniform Grant Management Standards prescribed by the Texas Office of the Governor and the terms and conditions of the federal grant award(s). The SOS has also hired a grant manager as well as an accountant to oversee and administer the grant program.

**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.**

The budget below is based on the state's best estimate. The SOS anticipates some adjustments will be necessary; however, the Secretary of State will reconvene the HAVA Advisory Committee for advice on how to reallocate the funds if the change is substantive. It should be noted that the "free access system for provisional voters has been adjusted to $0 because the state is already in compliance with that requirement.

**Figure 1**

| | FY03 Approp. | | FY04 Approp. |
|---|---|---|---|
| Title I Federal Award: | $23,476,116 | | $0 |
| | Estimated Amount | Actual Budget | Proposed Budget |
| Punch Card and Lever Replacement | $6,269,521 | $6,269,521 | N/A |
| Preliminary Planning For Statewide Voter Registration System | $500,000 | $465,836 | N/A |
| State Plan Administration | $ 2 – 4 million | $3,726,690 | N/A |
| Voter Education | $ 2 – 3 million | $2,795,017 | N/A |
| Election Official and Poll Worker Training | $ 2 – 3 million | $2,795,017 | N/A |
| County Compatibility with New Statewide Voter Registration System | $ 6 million | $5,590,035 | N/A |
| County Education Fund | $1 – 2 million | $1,834,000 | N/A |
| Total: | $ 19.77 – 24.77 million | $23,476,116 | N/A |
| Title II Federal Award: | $57,504,778 | | $103,187,171 |
| Required State Match: | $3,026,567 | | $5,430,904 |
| Total Available: | $60,531,345 | | $108,618,075 |
| | Estimated Amount | Actual Budget | Proposed Budget |
| SOS Admin (State Plan Administration) | N/A | N/A | $5,000,000 |
| Free Access System for Provisional Voters | $ 1 million | $0 | $0 |
| Statewide Voter Registration System | $ 10 – 15 million | $14,773,345 | $5,000,000 |
| Accessible Voting System in Every Polling Place | $ 25.5 million | $25,758,000 | $91,618,075 |
| Grant Funding to Counties for HAVA (Title III) Compliance | $ 20 million | $20,000,000 | |
| County Compatibility with New Statewide Voter Registration System | N/A | N/A | $5,000,000 |
| Voter Education, Election Official and Poll Worker Training | N/A | N/A | $2,000,000 |
| Total: | $ 56.5 – 61.5 million | $60,531,345 | $108,618,075 |

**7. Statement that the state will, in using the requirements payments, provide for maintaining the funding for activities funded by the payments at a level not less than the fiscal year ending before November 2000 (Sec. 254, a, 7).**

The Secretary of State has determined that the activities funded by the requirements payments as outlined in this state plan will not reduce the level of expenditures maintained by the state for the fiscal year ending prior to November 2000. Additionally, since the initial state plan was filed, the SOS has determined that the requirements payments activities as outlined in this plan have never been funded by the state to the counties prior to the fiscal year ending before November 2000. Consequently, the counties need not certify they are in compliance with the maintenance of effort requirement as originally proposed as it is not applicable.

**8. How the state will adopt performance goals and measures to determine success in carrying out the plan (Sec. 254, a, 8).**

The Secretary of State and county election officials are responsible for ensuring the success in meeting each performance goal. Each county's voter registration and elections office also have a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state on a regular basis.

**The performance goals include:**

ELIMINATION OF PUNCH CARD VOTING AND LEVER EQUIPMENT

a. Timetable: January 1, 2006
b. Criteria: Replacement of punch card voting equipment and lever machines in 17 counties that used voting equipment in 2000.





c. How criteria is measured: Assess 17 counties after January 1, 2006 to determine if any punch card or lever machines are being used in federal elections.
d. The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

VOTING SYSTEM STANDARDS

a. VOTING SYSTEMS
(1) Timetable: January 1, 2006
(2) Criteria: All voting precincts in the state will have a voting system that provides voters an opportunity to check for and correct ballot errors in a private and independent manner, notifies the voter of any overvotes cast and the effect of casting an overvote, allows the voter to correct the overvote before the ballot is cast, has a manual audit capacity, and an error rate that does not exceed the existing rate established by the FEC or Office of Election Administration. For the precincts that do not have such a system in place, an extensive voter education program will be developed and used in each county. A program will be developed for each type of voting system and paper ballot to educate the voter on what constitutes a legal vote for each type of voting machine and how to correctly cast a ballot for each type of voting system.
(3) How the criteria is judged: Assess all counties to ensure 100% participation in using voting systems that meet the HAVA requirements or using the education program developed by the Secretary of State.
(4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

b. ACCESSIBLILITY FOR INDIVIDUALS WITH DISABILITIES
(1) Timetable: January 1, 2006
(2) Criteria: Provide at least one direct recording voting device in each polling place in the state that will allow voters with disabilities the opportunity to cast a ballot without assistance.
(3) How criteria is judged: Assess each county to ensure 100% of the polling places have implemented a direct recording voting device that allows voters with disabilities the opportunity to cast a ballot without assistance.
(4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

c. ALTERNATE LANGUAGE ACCESSIBILITY
(1) Timetable: Currently
(2) Criteria: Provide alternative language accessibility pursuant to the federal Voting Rights Act.

(3) How criteria are judged: Texas has provided alternative language for all voting systems, voting materials and forms used in the polling place since 1975. Before a voting system is certified by the Secretary of State, the voting system must demonstrate alternate language accessibility.

(4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

**PROVISIONAL VOTING**

a. PROVISIONAL BALLOTS PROVIDED
   (1) Timetable: January 1, 2004
   (2) Criteria: Provide provisional ballots to ensure no individual is turned away at the polls.
   (3) How criteria is judged: Assess all counties to ensure the new procedures for provisional voting are in place and that all election workers have been trained on the new procedures.
   (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

b. FREE ACCESS SYSTEM
   (1) Timetable: January 1, 2004
   (2) Criteria: Implement a free access system in each county so that the voters can determine if their provisional ballot was counted.
   (3) 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 voters can determine if their provisional ballot was counted.
   (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

c. INFORMATIONAL VOTING POSTER
   (1) Timetable: January 1, 2004
   (2) Criteria: Voter information must be posted at each polling place, to include: sample ballots; dates and hours of voting; instructions for voters registering by mail and for first time voters; voter rights (including the right to vote a provisional ballot); and legal notice prohibiting voter fraud and misrepresentation.
   (3) How criteria is judged: Survey all counties to ensure that the voting poster is included with election supplies and that all election workers have been instructed to post such information in the polling place.
   (4) The Secretary of State will prescribe and distribute informational posters to all counties prior to January 1, 2004. The county election officials are responsible for ensuring the poster is properly posted in each precinct.





**STATEWIDE VOTER REGISTRATION SYSTEM**

a. COMPUTERIZED STATEWIDE VOTER LIST
   (1) Timetable: January 1, 2006
   (2) Criteria: Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level.
   (3) How criteria is judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirements of HAVA.
   (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

b. NEW VOTER REGISTRATION APPLICATION
   (1) Timetable: January 1, 2004
   (2) Criteria: Prescribe, print and distribute new voter registration applications that meet the requirements of HAVA.
   (3) How criteria is judged: The Secretary of State will prescribe, print and distribute a new voter registration application to all counties prior to January 1, 2004.
   (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

The Secretary of State will collect specific data to identify the successes of each county as it relates to the implementation of the Help America Vote Act of 2002 (HAVA). The Secretary of State will compile the data in report(s) for tracking purposes and to share with interested parties such as the EAC. The report will include an indication of whether each county met the performance goals. If the Election Assistance Commission or any other federal agency should prescribe such a report or survey, the state will use the federal form in lieu of the state form.

**9. Description of state based administrative complaint procedures (Sec. 254, a, 9):**

The Secretary of State has adopted an administrative complaint procedure through its rulemaking authority. Complaints are limited to those arising from violations of Title III of HAVA. As required under Section 402(2) of HAVA, complaints shall be required to be in writing, signed by the complainant, and notarized. The Secretary of State will have authority to consolidate complaints for efficiency and to resolve any complaints through an informal process, if warranted.

Review of the complaint will be held pursuant to the right of notice, hearing, and adjudication as set out in the administrative rule.

**10. A description of how payments for punch card replacement and early out money affects the activities under the plan, including the amount of funds available (Sec. 254, a, 10).**

Punch card and lever voting system replacement award agreements were sent to all eligible counties in April 2004. The Title I funds will be distributed, administered, and monitored using the same standards as the requirements payments that are distributed to the counties.

**11. Description of how the state will conduct ongoing management of the plan (Sec. 254, a, 11):**

The Secretary of State has hired a HAVA grant manager, a HAVA grant accountant, a project manager to oversee the development and implementation of the HAVA-compliant statewide voter registration system, and will hire monitoring staff or outsource that function. All procurement with HAVA funds will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. All sub-awarded grants will include an award agreement with the terms and conditions governing the use of the funds and will adopt by reference the State of Texas Uniform Grant Management Standards, OMB Circular A-87, OMB Circular A-102, "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988, and OMB Circular A-133.

If material changes to the state plan are necessary, the Secretary of State will propose the change in the Texas Administrative Register. In addition, the Secretary of State intends to continue working with the HAVA Advisory Committee as the plan is implemented. The State Plan provides a general framework of HAVA implementation in Texas, but the Secretary of State will continue, as needed, to adopt administrative rules to define specific procedures for provisional voting and other HAVA-related issues as well as modify and design forms as the implementation of HAVA continues to evolve. As rules are proposed and as new voter forms are drafted, the Secretary of State will distribute the drafts to the HAVA Advisory Committee for comments and suggestions.

**12. Description of how the plan reflects changes from the state plan for the previous fiscal year.**

Each section has been updated accordingly and reflects the current state plan.

**13. A description of the committee that participated in the development of the plan (Sec. 254, a, 13).**

An advisory committee was appointed by the Secretary of State to help develop the State Plan. We enlisted professional associations, voter advocacy groups and other relevant associations, and requested that each association appoint a representative to serve on the advisory committee. The Committee conducted public meetings on the following dates: April 3, 2003, May 1, 2003, June 27, 2003, February 20, 2004, and November 12, 2004. Minutes of all Committee meetings are posted on the Secretary of State website at http://www.sos.state.tx.us/elections/hava/index.shtml. The Preliminary Texas State Plan was





posted on the web on July 25, 2003 and also published in the Texas Register on August 1, 2003. Public comment was accepted through September 2, 2003.

The proposed amended budget was posted on the Secretary of State agency website on November 5, 2004 and was discussed at the November 12, 2004 meeting of the HAVA Advisory Committee. In addition, notice of the proposed amended budget was published in the Texas Register on November 5, 2004.

Advisory Committee Members:

**Teresa Aguirre**
Texas Association of Counties

**Phil Barrett**
Texas Department of Information Resources

**Paul Bettencourt**
Harris County Tax Assessor-Collector

**Paulette Burke**
Texas County & District Clerks Association
Rockwall County Clerk

**Brett Carr**
Senate State Affairs

**The Honorable Mary Denny**
Texas State Representative
Chair, House Elections Committee

**Judge Robert Eckels**
County Judges and Commissioners Association

**Frank Elder**
Assistant Chief
Texas Department of Public Safety

**Claude Foster**
ACLU of Texas, Inc.

**Barbara Hankins**
Texas League of Women Voters

**David Hanna**
Texas Legislative Council

**Beverly Kaufman**
Harris County Clerk

**Bob Lydia**
President
NAACP

**Molly Beth Malcolm**
Chairwoman
Texas Democratic Party

**Germaine Martinez**
Program Specialist
Texas Department of Public Safety

**The Honorable Jane Nelson**
Texas State Senator

**Jodi Park**
Coalition of Texans with Disabilities

**Nina Perales**
MALDEF

**Sharon Rowe**
President Texas Association of Elections Administrators
Collin County Elections Administrator

**Rudy Sandoval**
Chief of Staff
LULAC

**Michael Scholfield**
Assistant General Counsel
Governor's Policy
Office of the Governor

**Jonas Schwartz**
Program Services Manager
Advocacy, Inc.

**Bruce Sherbet**
Dallas County Elections Administrator

**Sandra Vice**
State Auditor's Office

**Bea Westbrook**
President
Texas Association of Tax Assessor-Collectors
Newton County Tax Assessor Collector

**Chad Wilbanks**
Texas Republican Party

**Don Willett**
Deputy Attorney General, General Counsel
Office of the Texas Attorney General

FUNDING ALLOCATIONS TO TEXAS COUNTIES

**Table 2**

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| ANDERSON | Optical Scan | 25 | 43,678 | $7,000 | $75,000.00 | $58,022 | $266,341 |
| ANDREWS | Paper | 5 | 8,903 | $7,000 | $15,000.00 | $11,827 | $53,714 |
| ANGELINA | Optical Scan | 40 | 57,974 | $7,000 | $120,000.00 | $77,013 | $394,466 |
| ARANSAS | Optical Scan | 7 | 17,151 | $7,000 | $21,000.00 | $22,784 | $87,665 |
| ARCHER | Optical Scan | 14 | 6,358 | $7,000 | $42,000.00 | $8,446 | $101,005 |
| ARMSTRONG | Paper | 9 | 1,589 | $7,000 | $27,000.00 | $5,000 | $64,071 |
| ATASCOSA | Optical Scan | 25 | 26,373 | $7,000 | $75,000.00 | $35,034 | $220,314 |
| AUSTIN | Optical Scan | 19 | 17,215 | $7,000 | $57,000.00 | $22,869 | $159,915 |
| BAILEY | Paper | 8 | 4,597 | $7,000 | $24,000.00 | $6,107 | $60,281 |
| BANDERA | Optical Scan | 12 | 13,292 | $7,000 | $36,000.00 | $17,657 | $107,434 |
| BASTROP | Optical Scan | 22 | 41,589 | $7,000 | $66,000.00 | $55,247 | $242,765 |
| BAYLOR | Paper | 6 | 3,135 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| BEE | Optical Scan | 18 | 24,794 | $7,000 | $54,000.00 | $32,937 | $174,067 |
| BELL | AVM | 43 | 169,236 | $9,000 | $129,000.00 | $224,815 | $708,419 |
| BEXAR | Optical Scan | 626 | 996,458 | $11,000 | $1,878,000.00 | $1,323,705 | $6,410,551 |
| BLANCO | Paper | 9 | 6,368 | $7,000 | $27,000.00 | $8,459 | $70,998 |
| BORDEN | Paper | 8 | 550 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| BOSQUE | Optical Scan | 18 | 13,003 | $7,000 | $54,000.00 | $17,273 | $142,706 |
| BOWIE | Optical Scan | 37 | 67,135 | $7,000 | $111,000.00 | $89,183 | $400,812 |
| BRAZORIA | Punch Card | 68 | 172,664 | $9,000 | $204,000.00 | $229,369 | $867,704 |
| BRAZOS | Punch Card | 109 | 119,680 | $9,000 | $327,000.00 | $158,984 | $973,052 |
| BREWSTER | Paper | 8 | 6,902 | $7,000 | $24,000.00 | $9,169 | $66,411 |
| BRISCOE | Paper | 7 | 1,305 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| BROOKS | Optical Scan | 10 | 5,459 | $7,000 | $30,000.00 | $7,252 | $74,587 |
| BROWN | Optical Scan | 18 | 27,943 | $7,000 | $54,000.00 | $37,120 | $182,443 |
| BURLESON | Optical Scan | 16 | 12,047 | $7,000 | $48,000.00 | $16,003 | $128,149 |
| BURNET | Optical Scan | 24 | 25,779 | $7,000 | $72,000.00 | $34,245 | $212,727 |
| CALDWELL | Optical Scan | 20 | 23,068 | $7,000 | $60,000.00 | $30,644 | $181,490 |
| CALHOUN | Optical Scan | 30 | 14,767 | $7,000 | $90,000.00 | $19,617 | $219,478 |
| CALLAHAN | Optical Scan | 8 | 9,527 | $7,000 | $24,000.00 | $12,656 | $73,393 |
| CAMERON | Optical Scan | 84 | 221,932 | $9,000 | $252,000.00 | $294,817 | $1,094,853 |
| CAMP | Paper | 13 | 8,447 | $7,000 | $39,000.00 | $11,221 | $100,554 |
| CARSON | Paper | 10 | 4,700 | $7,000 | $30,000.00 | $6,244 | $72,568 |

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| CASS | Optical Scan | 26 | 22,869 | $7,000 | $78,000.00 | $30,379 | $217,001 |
| CASTRO | Paper | 9 | 5,541 | $7,000 | $27,000.00 | $7,361 | $68,798 |
| CHAMBERS | Punch Card | 14 | 18,507 | $7,000 | $42,000.00 | $24,585 | $133,318 |
| CHEROKEE | Optical Scan | 29 | 34,383 | $7,000 | $87,000.00 | $45,675 | $265,645 |
| CHILDRESS | Paper | 5 | 5,989 | $7,000 | $15,000.00 | $7,956 | $45,963 |
| CLAY | Paper | 17 | 8,271 | $7,000 | $51,000.00 | $10,987 | $124,113 |
| COCHRAN | Paper | 8 | 2,554 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| COKE | Paper | 8 | 2,922 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| COLEMAN | Paper | 15 | 7,053 | $7,000 | $45,000.00 | $9,369 | $108,860 |
| COLLIN | Punch Card | 127 | 350,368 | $9,000 | $381,000.00 | $465,432 | $1,694,753 |
| COLLINGSWORTH | Paper | 8 | 2,360 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| COLORADO | Optical Scan | 19 | 15,171 | $7,000 | $57,000.00 | $20,153 | $154,479 |
| COMAL | Optical Scan | 31 | 58,107 | $7,000 | $93,000.00 | $77,190 | $340,759 |
| COMANCHE | Paper | 17 | 10,475 | $7,000 | $51,000.00 | $13,915 | $129,975 |
| CONCHO | Paper | 9 | 3,328 | $7,000 | $27,000.00 | $5,000 | $64,071 |
| COOKE | Optical Scan | 26 | 26,421 | $7,000 | $78,000.00 | $35,098 | $226,448 |
| CORYELL | Optical Scan | 21 | 55,305 | $7,000 | $63,000.00 | $73,468 | $273,240 |
| COTTLE | Paper | 6 | 1,448 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| CRANE | Paper | 5 | 2,722 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| CROCKETT | Optical Scan | 5 | 2,914 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| CROSBY | Paper | 11 | 4,898 | $7,000 | $33,000.00 | $6,507 | $79,101 |
| CULBERSON | Paper | 7 | 2,018 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| DALLAM | Paper | 10 | 4,244 | $7,000 | $30,000.00 | $5,638 | $71,355 |
| DALLAS | Optical Scan/DRE | 791 | 1,599,868 | $11,000 | $2,373,000.00 | $2,125,280 | $9,006,595 |
| DAWSON | Paper | 12 | 11,148 | $7,000 | $36,000.00 | $14,809 | $101,732 |
| DEAF SMITH | Optical Scan | 9 | 12,380 | $7,000 | $27,000.00 | $16,446 | $86,988 |
| DELTA | Paper | 11 | 3,964 | $7,000 | $33,000.00 | $5,266 | $76,617 |
| DENTON | Optical Scan | 126 | 312,866 | $9,000 | $378,000.00 | $415,614 | $1,588,999 |
| DEWITT | Paper | 17 | 15,253 | $7,000 | $51,000.00 | $20,262 | $142,683 |
| DICKENS | Paper | 7 | 2,250 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| DIMMIT | Optical Scan | 8 | 6,847 | $7,000 | $24,000.00 | $9,096 | $66,265 |
| DONLEY | Paper | 10 | 2,972 | $7,000 | $30,000.00 | $5,000 | $70,078 |
| DUVAL | Optical Scan | 12 | 9,252 | $7,000 | $36,000.00 | $12,290 | $96,689 |
| EASTLAND | Optical Scan | 10 | 14,050 | $7,000 | $30,000.00 | $18,664 | $97,437 |

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| ECTOR | Punch Card | 42 | 84,303 | $7,000 | $126,000.00 | $111,989 | $476,509 |
| EDWARDS | Paper | 6 | 1,546 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| ELLIS | Optical Scan | 60 | 77,716 | $7,000 | $180,000.00 | $103,239 | $567,109 |
| EL PASO | Punch Card/DRE | 156 | 462,199 | $9,000 | $468,000.00 | $613,990 | $2,166,393 |
| ERATH | Optical Scan | 27 | 24,889 | $7,000 | $81,000.00 | $33,063 | $228,380 |
| FALLS | Paper | 13 | 13,440 | $7,000 | $39,000.00 | $17,854 | $113,834 |
| FANNIN | Optical Scan | 20 | 23,992 | $7,000 | $60,000.00 | $31,871 | $183,947 |
| FAYETTE | Optical Scan | 28 | 16,747 | $7,000 | $84,000.00 | $22,247 | $212,731 |
| FISHER | Paper | 11 | 3,304 | $7,000 | $33,000.00 | $5,000 | $76,085 |
| FLOYD | Paper | 12 | 5,332 | $7,000 | $36,000.00 | $7,083 | $86,262 |
| FOARD | Paper | 5 | 1,203 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| FORT BEND | Optical Scan | 104 | 240,980 | $9,000 | $312,000.00 | $320,120 | $1,265,650 |
| FRANKLIN | Paper | 10 | 7,159 | $7,000 | $30,000.00 | $9,510 | $79,108 |
| FREESTONE | Optical Scan | 16 | 13,645 | $7,000 | $48,000.00 | $18,126 | $132,400 |
| FRIO | Optical Scan | 11 | 11,592 | $7,000 | $33,000.00 | $15,399 | $96,906 |
| GAINES | Optical Scan | 9 | 9,402 | $7,000 | $27,000.00 | $12,490 | $79,068 |
| GALVESTON | Optical Scan | 77 | 183,289 | $9,000 | $231,000.00 | $243,483 | $950,024 |
| GARZA | Paper | 10 | 3,506 | $7,000 | $30,000.00 | $5,000 | $70,078 |
| GILLESPIE | Optical Scan | 16 | 16,327 | $7,000 | $48,000.00 | $21,689 | $139,533 |
| GLASSCOCK | Paper | 5 | 935 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| GOLIAD | Optical Scan | 11 | 5,135 | $7,000 | $33,000.00 | $6,821 | $79,732 |
| GONZALES | Optical Scan | 16 | 13,421 | $7,000 | $48,000.00 | $17,829 | $131,804 |
| GRAY | Optical Scan | 15 | 17,282 | $7,000 | $45,000.00 | $22,958 | $136,067 |
| GRAYSON | Optical Scan | 54 | 82,620 | $7,000 | $162,000.00 | $109,753 | $544,113 |
| GREGG | Optical Scan | 23 | 81,588 | $7,000 | $69,000.00 | $108,382 | $355,160 |
| GRIMES | Optical Scan | 21 | 17,715 | $7,000 | $63,000.00 | $23,533 | $173,259 |
| GUADALUPE | Optical Scan/DRE | 83 | 63,693 | $7,000 | $249,000.00 | $84,610 | $667,965 |
| HALE | Paper | 19 | 25,532 | $7,000 | $57,000.00 | $33,917 | $182,037 |
| HALL | Paper | 8 | 2,753 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| HAMILTON | Optical Scan | 15 | 6,270 | $7,000 | $45,000.00 | $8,329 | $106,777 |
| HANSFORD | Paper | 9 | 3,795 | $7,000 | $27,000.00 | $5,041 | $64,154 |
| HARDEMAN | Paper | 6 | 3,526 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| HARDIN | Optical Scan | 18 | 34,715 | $7,000 | $54,000.00 | $46,116 | $200,455 |
| HARRIS | Punch Card | 935 | 2,416,022 | $11,000 | $2,805,000.00 | $3,209,467 | $12,042,351 |

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| HARRISON | Optical Scan | 29 | 45,441 | $7,000 | $87,000.00 | $60,364 | $295,057 |
| HARTLEY | Paper | 7 | 4,385 | $7,000 | $21,000.00 | $5,825 | $53,710 |
| HASKELL | Paper | 11 | 4,646 | $7,000 | $33,000.00 | $6,172 | $78,431 |
| HAYS | Punch Card | 35 | 73,683 | $7,000 | $105,000.00 | $97,881 | $406,215 |
| HEMPHILL | Paper | 9 | 2,412 | $7,000 | $27,000.00 | $5,000 | $64,071 |
| HENDERSON | Optical Scan | 31 | 55,426 | $7,000 | $93,000.00 | $73,628 | $333,629 |
| HIDALGO | Optical Scan | 95 | 368,461 | $9,000 | $285,000.00 | $489,467 | $1,550,662 |
| HILL | Optical Scan | 28 | 23,961 | $7,000 | $84,000.00 | $31,830 | $231,918 |
| HOCKLEY | Optical Scan | 16 | 16,098 | $7,000 | $48,000.00 | $21,385 | $138,924 |
| HOOD | Votronic II | 16 | 31,407 | $7,000 | $48,000.00 | $41,721 | $179,643 |
| HOPKINS | Optical Scan | 22 | 23,605 | $7,000 | $66,000.00 | $31,357 | $194,931 |
| HOUSTON | Optical Scan | 22 | 17,807 | $7,000 | $66,000.00 | $23,655 | $179,510 |
| HOWARD | Punch Card | 21 | 25,488 | $7,000 | $63,000.00 | $33,859 | $193,933 |
| HUDSPETH | Paper | 12 | 2,203 | $7,000 | $36,000.00 | $5,000 | $82,091 |
| HUNT | Optical Scan | 36 | 56,268 | $7,000 | $108,000.00 | $74,747 | $365,902 |
| HUTCHINSON | Optical Scan | 15 | 17,310 | $7,000 | $45,000.00 | $22,995 | $136,141 |
| IRION | Paper | 6 | 1,298 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| JACK | Paper | 11 | 6,712 | $7,000 | $33,000.00 | $8,916 | $83,926 |
| JACKSON | Paper | 13 | 10,448 | $7,000 | $39,000.00 | $13,879 | $105,876 |
| JASPER | Optical Scan | 20 | 26,165 | $7,000 | $60,000.00 | $34,758 | $189,727 |
| JEFF DAVIS | Paper | 6 | 1,668 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| JEFFERSON | Punch Card | 106 | 186,727 | $9,000 | $318,000.00 | $248,050 | $1,133,363 |
| JIM HOGG | Optical Scan | 5 | 3,613 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| JIM WELLS | Optical Scan | 22 | 26,975 | $7,000 | $66,000.00 | $35,834 | $203,895 |
| JOHNSON | Optical Scan | 35 | 90,294 | $7,000 | $105,000.00 | $119,947 | $450,397 |
| JONES | Optical Scan | 16 | 16,111 | $7,000 | $48,000.00 | $21,402 | $138,959 |
| KARNES | Optical Scan | 22 | 12,081 | $7,000 | $66,000.00 | $16,049 | $164,280 |
| KAUFMAN | Optical Scan | 35 | 50,486 | $7,000 | $105,000.00 | $67,066 | $344,516 |
| KENDALL | Optical Scan | 12 | 17,277 | $7,000 | $36,000.00 | $22,951 | $118,033 |
| KENEDY | Optical Scan | 7 | 293 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| KENT | Paper | 7 | 682 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| KERR | Optical Scan | 17 | 33,760 | $7,000 | $51,000.00 | $44,847 | $191,908 |
| KIMBLE | Paper | 8 | 3,412 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| KING | Paper | 5 | 236 | $7,000 | $15,000.00 | $5,000 | $40,045 |

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| KINNEY | Paper | 5 | 2,511 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| KLEBERG | Optical Scan | 31 | 22,949 | $7,000 | $93,000.00 | $30,486 | $247,247 |
| KNOX | Paper | 11 | 3,073 | $7,000 | $33,000.00 | $5,000 | $76,085 |
| LAMAR | Optical Scan | 33 | 35,831 | $7,000 | $99,000.00 | $47,598 | $293,524 |
| LAMB | Paper | 13 | 10,353 | $7,000 | $39,000.00 | $13,753 | $105,624 |
| LAMPASAS | Optical Scan | 10 | 12,864 | $7,000 | $30,000.00 | $17,089 | $94,282 |
| LASALLE | Optical Scan | 7 | 4,143 | $7,000 | $21,000.00 | $5,504 | $53,066 |
| LAVACA | Optical Scan | 20 | 14,562 | $7,000 | $60,000.00 | $19,344 | $158,866 |
| LEE | Paper | 13 | 11,148 | $7,000 | $39,000.00 | $14,809 | $107,738 |
| LEON | Optical Scan | 15 | 11,610 | $7,000 | $45,000.00 | $15,423 | $120,980 |
| LIBERTY | Optical Scan | 30 | 50,777 | $7,000 | $90,000.00 | $67,453 | $315,257 |
| LIMESTONE | Optical Scan | 21 | 16,451 | $7,000 | $63,000.00 | $21,854 | $169,897 |
| LIPSCOMB | Paper | 10 | 2,214 | $7,000 | $30,000.00 | $5,000 | $70,078 |
| LIVE OAK | Paper | 15 | 9,570 | $7,000 | $45,000.00 | $12,713 | $115,555 |
| LLANO | Optical Scan | 13 | 14,333 | $7,000 | $39,000.00 | $19,040 | $116,210 |
| LOVING | Paper | 5 | 54 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| LUBBOCK | Optical Scan | 94 | 180,367 | $9,000 | $282,000.00 | $239,601 | $1,044,366 |
| LYNN | Paper | 15 | 4,506 | $7,000 | $45,000.00 | $5,986 | $102,085 |
| MADISON | Optical Scan | 9 | 10,207 | $7,000 | $27,000.00 | $13,559 | $81,209 |
| MARION | Paper | 16 | 8,496 | $7,000 | $48,000.00 | $11,286 | $118,705 |
| MARTIN | Paper | 10 | 3,136 | $7,000 | $30,000.00 | $5,000 | $70,078 |
| MASON | Optical Scan | 9 | 2,902 | $7,000 | $27,000.00 | $5,000 | $64,071 |
| MATAGORDA | Optical Scan | 19 | 26,575 | $7,000 | $57,000.00 | $35,302 | $184,811 |
| MAVERICK | Optical Scan | 15 | 29,838 | $7,000 | $45,000.00 | $39,637 | $169,463 |
| MCCULLOCH | Paper | 11 | 6,019 | $7,000 | $33,000.00 | $7,996 | $82,083 |
| MCLENNAN | Optical Scan | 98 | 156,687 | $9,000 | $294,000.00 | $208,145 | $1,005,409 |
| MCMULLEN | Paper | 6 | 652 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| MEDINA | Optical Scan | 24 | 27,925 | $7,000 | $72,000.00 | $37,096 | $218,435 |
| MENARD | Paper | 7 | 1,788 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| MIDLAND | Optical Scan | 54 | 80,975 | $7,000 | $162,000.00 | $107,568 | $539,737 |
| MILAM | Optical Scan | 22 | 17,582 | $7,000 | $66,000.00 | $23,356 | $178,912 |
| MILLS | Paper | 11 | 3,835 | $7,000 | $33,000.00 | $5,094 | $76,274 |
| MITCHELL | Paper | 7 | 7,777 | $7,000 | $21,000.00 | $10,331 | $62,732 |
| MONTAGUE | Optical Scan | 15 | 14,528 | $7,000 | $45,000.00 | $19,299 | $128,742 |

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| MONTGOMERY | Optical Scan | 73 | 207,036 | $9,000 | $219,000.00 | $275,029 | $989,159 |
| MOORE | Optical Scan | 9 | 13,368 | $7,000 | $27,000.00 | $17,758 | $89,616 |
| MORRIS | Optical Scan | 11 | 9,759 | $7,000 | $33,000.00 | $12,964 | $92,030 |
| MOTLEY | Paper | 7 | 1,084 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| NACOGDOCHES | Optical Scan | 29 | 44,995 | $7,000 | $87,000.00 | $59,772 | $293,871 |
| NAVARRO | Optical Scan | 35 | 32,830 | $7,000 | $105,000.00 | $43,612 | $297,555 |
| NEWTON | Optical Scan | 22 | 11,127 | $7,000 | $66,000.00 | $14,781 | $161,743 |
| NOLAN | Optical Scan | 10 | 11,521 | $7,000 | $30,000.00 | $15,305 | $90,710 |
| NUECES | Optical Scan | 123 | 224,528 | $9,000 | $369,000.00 | $298,265 | $1,336,019 |
| OCHILTREE | Paper | 5 | 6,254 | $7,000 | $15,000.00 | $8,308 | $46,668 |
| OLDHAM | Paper | 8 | 1,420 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| ORANGE | Optical Scan | 30 | 61,783 | $7,000 | $90,000.00 | $82,073 | $344,530 |
| PALO PINTO | Optical Scan | 20 | 20,004 | $7,000 | $60,000.00 | $26,574 | $173,340 |
| PANOLA | Optical Scan | 22 | 17,015 | $7,000 | $66,000.00 | $22,603 | $177,403 |
| PARKER | Optical Scan | 34 | 64,139 | $7,000 | $102,000.00 | $85,203 | $374,823 |
| PARMER | Optical Scan | 10 | 6,721 | $7,000 | $30,000.00 | $8,928 | $77,943 |
| PECOS | Optical Scan | 10 | 12,160 | $7,000 | $30,000.00 | $16,153 | $92,410 |
| POLK | Optical Scan | 21 | 31,698 | $7,000 | $63,000.00 | $42,108 | $210,450 |
| POTTER | Optical Scan | 32 | 81,747 | $7,000 | $96,000.00 | $108,594 | $409,643 |
| PRESIDIO | Paper | 8 | 4,915 | $7,000 | $24,000.00 | $6,529 | $61,126 |
| RAINS | Paper | 8 | 6,968 | $7,000 | $24,000.00 | $9,256 | $66,587 |
| RANDALL | Optical Scan | 32 | 77,100 | $7,000 | $96,000.00 | $102,420 | $397,283 |
| REAGAN | Paper | 7 | 2,189 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| REAL | Paper | 7 | 2,333 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| RED RIVER | Paper | 26 | 10,900 | $7,000 | $78,000.00 | $14,480 | $185,166 |
| REEVES | Punch Card | 13 | 9,214 | $7,000 | $39,000.00 | $12,240 | $102,594 |
| REFUGIO | Optical Scan | 11 | 5,784 | $7,000 | $33,000.00 | $7,684 | $81,458 |
| ROBERTS | Paper | 6 | 665 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| ROBERTSON | Optical Scan | 17 | 11,485 | $7,000 | $51,000.00 | $15,257 | $132,661 |
| ROCKWALL | Optical Scan | 14 | 30,127 | $7,000 | $42,000.00 | $40,021 | $164,225 |
| RUNNELS | Paper | 10 | 8,398 | $7,000 | $30,000.00 | $11,156 | $82,404 |
| RUSK | Optical Scan | 38 | 35,581 | $7,000 | $114,000.00 | $47,266 | $322,892 |
| SABINE | Optical Scan | 11 | 8,258 | $7,000 | $33,000.00 | $10,970 | $88,038 |
| SAN AUGUSTINE | Optical Scan | 12 | 6,822 | $7,000 | $36,000.00 | $9,062 | $90,225 |

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| SAN JACINTO | Optical Scan | 12 | 16,647 | $7,000 | $36,000.00 | $22,114 | $116,358 |
| SAN PATRICIO | Optical Scan | 34 | 46,260 | $7,000 | $102,000.00 | $61,452 | $327,269 |
| SAN SABA | Optical Scan | 8 | 4,460 | $7,000 | $24,000.00 | $5,925 | $59,916 |
| SCHLEICHER | Paper | 5 | 2,115 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| SCURRY | Optical Scan | 12 | 12,245 | $7,000 | $36,000.00 | $16,266 | $104,649 |
| SHACKELFORD | Paper | 8 | 2,421 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| SHELBY | Optical Scan | 15 | 18,518 | $7,000 | $45,000.00 | $24,599 | $139,354 |
| SHERMAN | Paper | 8 | 2,186 | $7,000 | $24,000.00 | $5,000 | $58,065 |
| SMITH | Punch Card | 72 | 128,208 | $9,000 | $216,000.00 | $170,313 | $773,487 |
| SOMERVELL | Paper | 7 | 4,874 | $7,000 | $21,000.00 | $6,475 | $55,011 |
| STARR | Optical Scan | 11 | 33,555 | $7,000 | $33,000.00 | $44,575 | $155,323 |
| STEPHENS | Optical Scan | 11 | 7,313 | $7,000 | $33,000.00 | $9,715 | $85,525 |
| STERLING | Paper | 5 | 993 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| STONEWALL | Paper | 10 | 1,307 | $7,000 | $30,000.00 | $5,000 | $70,078 |
| SUTTON | Paper | 6 | 2,904 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| SWISHER | Paper | 11 | 6,040 | $7,000 | $33,000.00 | $8,024 | $82,139 |
| TARRANT | Optical Scan | 535 | 1,039,747 | $11,000 | $1,605,000.00 | $1,381,210 | $5,979,082 |
| TAYLOR | Punch Card | 39 | 92,895 | $7,000 | $117,000.00 | $123,403 | $481,342 |
| TERRELL | Paper | 5 | 794 | $7,000 | $15,000.00 | $5,000 | $40,045 |
| TERRY | Optical Scan | 9 | 9,143 | $7,000 | $27,000.00 | $12,146 | $78,379 |
| THROCKMORTON | Paper | 6 | 1,384 | $7,000 | $18,000.00 | $5,000 | $46,051 |
| TITUS | Optical Scan | 20 | 19,600 | $7,000 | $60,000.00 | $26,037 | $172,266 |
| TOM GREEN | Optical Scan | 60 | 76,879 | $7,000 | $180,000.00 | $102,127 | $564,883 |
| TRAVIS | Optical Scan | 230 | 619,336 | $11,000 | $690,000.00 | $822,732 | $3,028,838 |
| TRINITY | Optical Scan | 20 | 10,625 | $7,000 | $60,000.00 | $14,114 | $148,394 |
| TYLER | Optical Scan | 18 | 16,034 | $7,000 | $54,000.00 | $21,300 | $150,767 |
| UPSHUR | Optical Scan | 21 | 25,771 | $7,000 | $63,000.00 | $34,234 | $194,686 |
| UPTON | DRE | 7 | 2,406 | $7,000 | $21,000.00 | $5,000 | $52,058 |
| UVALDE | Optical Scan | 16 | 17,795 | $7,000 | $48,000.00 | $23,639 | $143,438 |
| VAL VERDE | Optical Scan | 21 | 30,474 | $7,000 | $63,000.00 | $40,482 | $207,195 |
| VAN ZANDT | Optical Scan | 29 | 35,841 | $7,000 | $87,000.00 | $47,612 | $269,523 |
| VICTORIA | AVM | 36 | 59,586 | $7,000 | $108,000.00 | $79,155 | $374,727 |
| WALKER | Optical Scan | 19 | 50,642 | $7,000 | $57,000.00 | $67,273 | $248,824 |
| WALLER | Optical Scan | 20 | 24,277 | $7,000 | $60,000.00 | $32,250 | $184,705 |



FUNDING ALLOCATIONS TO TEXAS COUNTIES

| COUNTY | VOTING SYSTEM | PRECINCTS | VOTING AGE POP. | FY03 Approp. | | | FY04 Approp. |
|---|---|---|---|---|---|---|---|
| | | | | County Education Fund | Accessible Voting System | General HAVA Compl. w/ $5,000 Minimum | 200% FY03 Accessibility and Gen. HAVA Comp. Funding |
| WARD | Optical Scan | 9 | 7,573 | $7,000 | $27,000.00 | $10,060 | $74,203 |
| WASHINGTON | Optical Scan | 22 | 22,868 | $7,000 | $66,000.00 | $30,378 | $192,971 |
| WEBB | Optical Scan | 42 | 123,255 | $9,000 | $126,000.00 | $163,733 | $580,113 |
| WHARTON | Optical Scan | 23 | 29,351 | $7,000 | $69,000.00 | $38,990 | $216,221 |
| WHEELER | Paper | 11 | 3,969 | $7,000 | $33,000.00 | $5,272 | $76,630 |
| WICHITA | Punch Card | 53 | 98,544 | $7,000 | $159,000.00 | $130,907 | $580,460 |
| WILBARGER | Paper | 13 | 10,582 | $7,000 | $39,000.00 | $14,057 | $106,233 |
| WILLACY | Optical Scan | 13 | 13,730 | $7,000 | $39,000.00 | $18,239 | $114,606 |
| WILLIAMSON | Optical Scan | 85 | 175,065 | $9,000 | $255,000.00 | $232,558 | $976,204 |
| WILSON | Optical Scan | 17 | 22,956 | $7,000 | $51,000.00 | $30,495 | $163,172 |
| WINKLER | Optical Scan | 6 | 5,033 | $7,000 | $18,000.00 | $6,686 | $49,427 |
| WISE | Optical Scan | 23 | 34,990 | $7,000 | $69,000.00 | $46,481 | $231,220 |
| WOOD | Optical Scan | 12 | 28,725 | $7,000 | $36,000.00 | $38,159 | $148,483 |
| YOAKUM | Optical Scan | 7 | 4,972 | $7,000 | $21,000.00 | $6,605 | $55,271 |
| YOUNG | Paper | 13 | 13,458 | $7,000 | $39,000.00 | $17,878 | $113,882 |
| ZAPATA | Optical Scan | 8 | 8,157 | $7,000 | $24,000.00 | $10,836 | $69,749 |
| ZAVALA | Optical Scan | 7 | 7,644 | $7,000 | $21,000.00 | $10,154 | $62,378 |
| | | 8,586 | 14,965,061 | $1,834,000 | $25,758,000 | $20,000,000 | $91,618,074 |

| Chart D-Definitions of "Vote" | |
|---|---|
| Punch Card | Current law-Section 127.130(d) of the Texas Election Code:<br><br>(d) Subject to Subsection (e), in any manual count conducted under this code, a vote on a ballot on which a voter indicates a vote by punching a hole in the ballot may not be counted unless:<br><br>(1) at least two corners of the chad are detached;<br><br>(2) light is visible through the hole;<br><br>(3) an indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote; or<br><br>(4) the chad reflects by other means a clearly ascertainable intent of the voter to vote.<br><br>(e) Subsection (d) does not supersede any clearly ascertainable intent of the voter. |
| **Optical Scan, Direct Recording Electronic, and Paper Ballot Systems** | Effective January 1, 2004, Section 65.009(d) of the Texas Election Code will provide:<br><br>The intent of the voter in marking a ballot may be determined by: (1) a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition; (2) an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition; (3) a line drawn through: (A) the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office; (B) the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or (C) a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or (4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition. |



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BILLING CODE 6820–YN–C