Dated: April 1, 2005.

I. C. Le Moyne Jr.,

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

[FR Doc. 05–6913 Filed 4–6–05; 8:45 am]

BILLING CODE 3810–FF–P

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 Alaska and Ohio.

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

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

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual 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 Alaska and Ohio 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. Ohio has received its 2003 and 2004 requirements payments. Alaska has not yet submitted a statement of certification for a requirements payment to EAC.

Upon the expiration of 30 days from April 7, 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), Alaska also may file a statement of certification to obtain its requirements payments. Such 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 the 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

Alaska

Ms. Laura A. Glaiser, Director, State of Alaska Division of Elections, PO Box 110017, Juneau, AK 99811–0017, Phone: 907–465–4611, Fax: 907–465–3203, e-mail: *elections@gov.state.ak.us.*

Ohio

The Honorable J. Kenneth Blackwell, Secretary of State, 180 E. Broad Street, 16th Floor, Columbus, OH 43215, Phone: 614–466–2655, Fax: 614–644–0649, e-mail: *election@sos.state.oh.us.*

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

Dated: March 30, 2005.

Gracia M. Hillman,

Chair, U.S. Election Assistance Commission.

BILLING CODE 6820–YN–P

Director's Office
PO Box 110017
Juneau, Alaska 99811-0017
907.465.4611 · 907.465.3203 FAX
elections@gov.state.ak.us

Regional Offices
Anchorage 907.522.8683
Fairbanks 907.451.2835
Juneau 907.465.3021
Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

March 10, 2005

Dear Commissioners:

In accordance with section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with the Election Assistance Commission (EAC), for publication in the *Federal Register*, this letter and the following new pages that comprise Sections 6, 8 and 12 of the State of Alaska updated HAVA Plan. These new pages, together with non-substantive changes that we have made, constitute Alaska's HAVA State Plan for Fiscal Year 2005.

As required by section 254(a)(12) of HAVA, Section 12 of Alaska's State Plan, as amended, describes the material changes that Alaska made to the State Plan filed in 2003. In addition, Sections 6 and 8 contain important information on how Alaska's budget to implement the requirements of HAVA changed and how Alaska succeeded thus far in meeting specific HAVA requirements.

Please note that non-material changes to the Alaska State Plan can be found throughout every element of the Alaska State Plan. After consulting with EAC staff, the State of Alaska will not be submitting those types of changes for publication in the *Federal Register* as unnecessary under HAVA. Instead, we would direct the EAC and members of the public to Alaska's State Division of Elections' website (www.gov.state.ak.us/ltgov/elections/hava.htm) to view and print the complete 2005 Alaska State Plan.

The amendments to the Alaska State Plan were developed in accordance with section 255 of HAVA and the requirements for public notice and comment prescribed by section 256 of HAVA.

On behalf of the State of Alaska, I thank the Election Assistance Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Alaska.

Laura A. Glaiser
Director

Section 6. Alaska's Budget for Implementing HAVA

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.

Title I-Early payments:
HAVA authorized $650 million in one-time payments to states: $325 million for making improvements to the administration of elections and $325 million for the replacement of punch card and lever voting machines. States are not required to provide matching funds for Title I monies.

Title I mandated that each eligible state receives a minimum of $5,000,000. Alaska's portion was determined by the small state minimum and received $5,000,000 in April 2003 for making improvements to elections. Alaska was not eligible to receive funds under Section 102 since Alaska replaced its punch card voting system before 2000. However, Alaska did receive a one-time reimbursement payment made to states that replaced such equipment prior to 2000. (see "reimbursement payment" below.)

All Title I money has been distributed to the states.

Title II- Requirements payments:
Title II authorizes $3 billion in additional payments to states over a three year period, annually for meeting the requirements of Title III and for activities to improve the administration of elections if all Title III requirements have been satisfied.

Congress appropriated $830 million for FY 2003 and just under $1.5 billion for FY 2004 requirements payments to states. While the FY 2003 funding fell short of the $1.4 billion authorized in HAVA, FY 2004 funding exceeded the $1.0 billion authorized. Distribution of these funds began in June 2004. Alaska is in the process of submitting certification paperwork for these payments. Congress has not appropriated money for FY 2005.

Payments under Title II are formula based and require a 5% State match for all funds spent in each fiscal year. However, the State may draw down funds each fiscal year without providing the match if the State's Election Plan accounts for the 5% funds in future use. To determine the 5% State match based on the federal requirements payment, multiply Alaska's requirement's payment portion by .0526 (5 divided by 95). See Table 6.1 for Alaska's requirements payment amounts and State match funds.

Accessibility Grants:
Title II also authorizes the Secretary of Health and Human Services to distribute payments to states to assure access for individuals with disabilities. Alaska has applied for and received $200,000 in accessibility grants for FY 2003 and FY 2004. These funds will be expended in accordance with the requirements of Title II Section 261.

STATE OF ALASKA

Reimbursement Payment:
The Consolidated Appropriations Resolution, Public Law 108-7, signed February 20, 2003, provided $15,000,000 in Federal appropriated funds to the General Services Administration (GSA), for Election Reform Reimbursements. This one-time reimbursement was for states that purchased electronic voting equipment to replace punch card and lever voting machines prior to

2000 making them ineligible to receive funds under Title I Section 102 of HAVA. Alaska qualified for and received a one-time reimbursement of $1.1 million deposited back into the State's General Fund for electronic voting machines purchased in 1998 to replace all punch card voting equipment.

Table 6.1 outlines the portion of funds available according to GSA Estimates Requirements Payments to States FY03-FY04, Revised 3/31/04.

Table 6.1

Federal Fiscal Year	Federal Funds	Alaska's Payment Portion	5% State Match Requirement
(§ 101) Early Payment	$650,000.0	$5,000.0	None
(§ 252, 257) 2003	$830,000.0	$4,150.0	$218.3
(§ 252, 257) 2004	$1,500,000.0 ($ rounded up)	$7,446.8	$391.7
(§ 252, 257) 2005	$600,000.0	$3,000.0	$158.0
Total	$3,580,000.0	$19,596.8	$768.0

Alaska's budget in Table 6.2 is based on the levels of funding as shown in Table 6.1 and represents the cost of implementing requirements of Title III and "other" activities as specified in Title I of HAVA through calendar year 2006. Costs associated with the maintenance and operations of implementing these requirements are also reflected in the budget. It is important to note that the maintenance and operation costs associated with these requirements will have an impact on the State's budget in future years when federal funding is no longer available.

HAVA Requirements	Estimated Total Cost	Source of Funding			Implementation Period
Title III Requirements		Sec 101	Sec 252 & 257	State 5% Match	
(301) Voting System	$5,677.0		$5,378.4	$ 298.6	FY 2003 to FY2006
(302) Provisional Voting and voting information requirements	$ 650.2		$ 616.0	$ 34.2	FY 2003 to FY2004
(303) Computerized statewide voter registration list requirements and requirements for voters who register by mail.	$7,518.0	$3,118.1	$4,168.5	$ 231.4	FY 2003 to FY2004
"Other" activities					

STATE OF ALASKA

(25 ½) (3) Voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.	$1,800.0	$1,051.5	$ 709.1	$ 39.4	FY2003 to FY2006
(402) Establish a State-based *HAVA* administrative complaint procedures to remedy grievances	$ 110.0	$ 60.1	$ 47.3	$ 2.6	
(704) Improvements to military absentee voting program	$ 41.6	$ 20.2	$ 20.3	$ 01.1	
(101) Management of State Plan	$ 500.0	$ 51.1	$ 425.3	$ 23.6	FY2003 to FY2005
Technology planning/improvements	$1,300.0	$ 194.8	$1,047.1	$ 58.1	FY2003 to FY2006
Polling place accessibility	$2,000.0	$ 504.2	$ 1,417.1	$ 78.7	FY2003 to FY2006
TOTALS	$19,596.8	$5,000.0	$13,829.1	$767.7	

Additional Notes for Title III requirements:

(1) *Voting System*-Alaska purchased optical scan units in 1998 to replace its punch card voting system. Alaska has 439 voting precincts. Sixty-six percent of the precincts are equipped with optical scan and 34 percent are hand-count precincts. The estimated $5.5 million will be used to implement a HAVA-compliant DRE voting system and to purchase additional optical scan units for a portion of Alaska's precincts. In addition, the Division plans to purchase more memory cards for the Accu-Vote Optical Scan voting machines. Installation, training and maintenance costs are included in this figure.

Since Alaska purchased its computerized statewide voting system, replacing punch card voting equipment, prior to November of 2000, Alaska is not eligible to seek reimbursement under Title I, Sec 102 for these expenditures. However, outside of HAVA, PL 108-7 included $15 million in funds to states who purchased optical scan systems prior to the 2000 election. So far, only five states, which include Alaska, were eligible for compensation from the $15 million appropriation. Alaska received a $1.1million reimbursement that was deposited into the State's general fund and is not included in the State's budget for implementing requirements of HAVA.

(2) *Provisional Voting*- Provisional voting, known as questioned voting in Alaska, has been available to voters in Alaska since the early 1980s. There were minimal changes needed to meet the provisional voting requirements of the bill.

(3) *Computerized Statewide Voter Registration System*-Currently Alaska has a

mainframe based statewide Voter Registration Election Management System (VREMS) that has been in place for over 17 years. This system is no longer cost effective for the State to maintain, due to the Natural programming language it is written in and the complexity of the program. The State will use the estimated $7.5 million in funds to research and purchase a statewide voter registration system that is conducive to the administration of elections and is cost effective. The Request for Proposal (RFP) for this project will be available in early 2005.

The estimated costs associated with implementing the requirements in HAVA are based on the funding information available at the time that the plan was updated. The budget will be revised appropriately to reflect the most current information available on federal funding and according to changes that may be made in the implementation schedule.

Section 8. HAVA Performance Goals and Measures

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

The Division of Elections will establish performance goals in conjunction with the Alaska State Legislature during the deliberation of the annual operating budget. The "Missions and Measures" process undertaken by the Legislature in concurrence with the consideration of the annual operating budget has been established as a respected means for developing performance measures that accurately quantify program success.

The Director of the Division of Elections, as the "Chief State Election Official" under section 253(e), is responsible for coordination of the State's responsibilities under this Act. Therefore, the Director is ultimately responsible for ensuring that the Division meets each performance goal. In addition, the Legislature will be monitoring the Division's efforts through the annual preparation of the State's operating budget.

Plan Elements	Official	Time frame
Voting Systems §301	Director of Elections	Working 100 TS units purchased To be implemented by January 1, 2006
Provisional Voting §302	Director of Elections	Completed
Voter Registration §303(a) §303(b)	Director of Elections	§303(a) Implemented §303(b) Implemented
Other Activities		
§101 (b)(1), §251 (b)(2)		
Technical Infrastructure	Election Admin. Supervisor	Working
Free-Access System	Admin Asst. Supervisor	Toll-free phone system operational Over 8,000 calls received on Election

	HAVA Coordinator	Day
Education and Training §254(a)(3)	Regional Supervisors Election Special Assistant HAVA Coordinator	Ongoing Some training materials updated March 2004
Budget and Fiscal Controls §254(a)(2) §254(a)(6) §254(a)(7) §254(a)(10)	Admin. Asst. Supervisor Elections Special Assistant Director	Ongoing State monitors HAVA account each month
Complaint Procedures §254(a)(9) §402	Director of Elections in conjunction with Department of Law	Completed 08-29-03 Precleared by DOJ 6 AAC 25.400-490

Section 12. Changes to State Plan from Previous Fiscal Year

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

The State of Alaska's 2004 HAVA Updated State Plan remains consistent, with steady progress towards the goals established in the initial 2003 State Plan. The State of Alaska passed legislation to bring the state into compliance with HAVA requirements; new staff to manage HAVA; updated forms and training materials; and continues to design improved voter outreach programs.

In 2004, the Division established a toll-free access system to provide voter information in the form of a toll-free telephone number. This system allows the voter to determine if his or her questioned ballot was counted and, if not counted, why the vote or a portion of the vote did not count.

The Division also completed procedures to allow the Division of Elections to match identifying information provided by a first-time, by-mail registrant on his or her registration application to information maintained in the Division of Motor Vehicles (DMV) database.

Leading up to the 2004 General Election, the Division began "hub training" its election workers. The purpose of this training method is for the Division to more effectively train election workers closer to Election Day. Since there are many rural polling places in Alaska, the Division sent the chair from each selected rural precinct to one larger, more "central" community where all the chairs were trained simultaneously. The chairs then returned to their home and trained the election workers at their polling place. The Division was able to train more election workers closer to Election Day using the "hub training" method, and found this to be an effective means of outreach and training.

The Division has procedures established for conducting recounts on a statewide level, as well as State House and State Senate levels. In 2004, the Division conducted two recounts – one for a State House race and the other for the U.S. Senate race. This was the first time in Alaska history that a statewide

STATE OF ALASKA

recount was conducted with the Accu-Vote Optical Scan equipment, and there were no significant changes to the election results.

The Division used HAVA funds to purchase an additional 45 TS units, bringing the statewide total to 100 TS units. While intending to use the touch screens in a pilot project in the 2004 elections, the Division made the decision to delay implementation until the units are retrofitted with a voter verifiable paper record. In May 2004, the Legislature passed legislation (HB 459) requiring a voter verifiable paper trail for electronic voting machines.

The State of Alaska, Division of Elections succeeded in developing administrative regulations to establish the required complaint procedure. These regulations constitute a new article 6 AAC 25.400 – 490 that is now a part of the Division's administrative regulations set out at Title 6, Chapter 25 of the Alaska Administrative Code. These regulations satisfy the requirements of HAVA section 402 by providing a uniform and nondiscriminatory complaint procedure

Section 6 of the State Plan changed slightly due to the differences in the amount of federal funds initially authorized by Congress, and the actual amounts allocated to the State of Alaska for FY03 - FY04. The updated State Plan reflects the new percentages Alaska projects to spend in different areas to fulfill HAVA requirements.

J. KENNETH BLACKWELL
Ohio Secretary of State

180 E. Broad Street, 16th Floor, Columbus OH 43215
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649
e-mail: blackwell@sos.state.oh.us
www.state.oh.us/sos/

February 23, 2005

Dear Election Assistance Commission and Ohio Voters:

In accordance with section 2549(a)(11) of the Help America Vote Act of 2002 (HAVA), I am filing with the U.S. Election Assistance Commission (EAC) for publication in the *Federal Register* this letter and the following amended text of the Changing the Election Landscape in the State of Ohio, please see pages 25, 33, 41, 45 and 46.

The amended portion of our State Plan reflects the actual funding received to date from the Federal Government and the passage of the General Assembly Substitute House Bill 262, which requires all direct recording electronic voting machines (DRE) used in Ohio to include a voter verified paper audit trail.

Please note that non-material change may be found in other elements of the Ohio State Plan. After consulting with EAC staff, the State of Ohio has elected not to include those changes for publication in the Federal Register as unnecessary under HAVA. Instead, we would direct the EAC and members of the public to the Ohio Secretary of State's website (www.sos.state.oh.us) to view the complete Ohio State Plan.

On behalf of the State of Ohio, I thank the Commission for its assistance and look forward to our continued collaboration to improve the administration of elections.

Sincerely,

J. Kenneth Blackwell

J. Kenneth Blackwell

The Ohio Secretary of State gratefully acknowledges the State Plan Committee for their participation and assistance in the preparation and development of this plan for the strategic implementation of election reforms in the State of Ohio, pursuant to the Help America Vote Act of 2002.

HELP AMERICA VOTE ACT

The State Plan Committee

Chairwoman Judy Grady, *Director of Election Reform, Office of the Secretary of State(replaces Dana Walch)*

Ms. Donna Alvarado, *Commissioner, Ohio Commission on Hispanic/Latino Affairs*

Ms. Linda Carr, *Director of Institutional Initiatives, University of Toledo*

Mr. Michael Vu , Director, *Cuyahoga County Board of Elections(replaces Tom Coyne)*

Mr. Eric Duffy, *Director of Field Services, National Federation of the Blind*

Ms. Daisy Duncan Foster, *Coordinator of Academic Services, University of Dayton*

State Rep. Nancy Hollister, *R-Marietta*

Mr. Larry Long, *Executive Director, County Commissioners Association of Ohio*

State Sen. Mark Mallory, *D-Cincinnati*

Mr. Keith Cunningham, *Director, Allen County Board of Elections and President, Ohio Association of Election Officials (replaces Jeff Matthews, Stark County Board)*

Mr. Matthew Damschroder, *Director, Franklin County Board of Election (replaces Guy Reece)*

Ms. Catherine Turcer, *Legislative Director, Ohio Citizen Action*

Pastor Aaron Wheeler, *Chairman, Ohio Civil Rights Commission*

IV. State of Ohio Elections Systems

Ohio is, pervasively, a punch-card voting state. In total, 69 of Ohio's 88 counties use punch-card voting. Those 69 counties represent 72.5 percent of all the registered voters in Ohio and 74 percent of the 11,756 voting precincts in the state.

Among the 19 counties that use voting devices other than punch-card ballots, two use automatic voting machines, six have electronic voting devices, and 11 use optical scanning equipment.

The table below (that continues on the following pages) shows a county-by-county listing of the types of voting devices in each of Ohio's 88 counties. The table also reflects the number of precincts and registered voters in each of those counties as reflected in the November, 2002 General Election, which we use as base data throughout this report (unless otherwise indicated.)

COUNTY	PRECINCTS	REGISTERED VOTERS	TYPE DEVICE
ADAMS	35	15,446	PUNCHCARD
ALLEN	139	65,382	SCAN
ASHLAND	65	31,735	SCAN
ASHTABULA	127	58,022	PUNCHCARD
ATHENS	69	39,813	PUNCHCARD
AUGLAIZE	43	29,656	PUNCHCARD
BELMONT	84	42,800	PUNCHCARD
BROWN	55	25,415	PUNCHCARD
BUTLER	289	210,920	PUNCHCARD
CARROLL	26	18,799	PUNCHCARD
CHAMPAIGN	53	26,900	PUNCHCARD
CLARK	112	82,889	PUNCHCARD
CLERMONT	191	117,207	SCAN
CLINTON	32	23,529	PUNCHCARD
COLUMBIANA	103	73,355	PUNCHCARD
COSHOCTON	43	20,623	SCAN
CRAWFORD	67	28,992	PUNCHCARD
CUYAHOGA	1464	861,113	PUNCHCARD
DARKE	53	36,176	PUNCHCARD
DEFIANCE	46	24,536	PUNCHCARD

DELAWARE	122	82,215	PUNCHCARD
ERIE	101	51,523	SCAN
FAIRFIELD	118	76,212	PUNCHCARD
FAYETTE	38	13,676	PUNCHCARD
FRANKLIN	780	706,668	ELECTRONIC
FULTON	36	26,740	PUNCHCARD
GALLIA	36	21,646	PUNCHCARD
GEAUGA	96	57,087	SCAN
GREENE	142	93,742	PUNCHCARD
GUERNSEY	71	22,149	PUNCHCARD
HAMILTON	1025	522,307	PUNCHCARD
HANCOCK	62	44,603	SCAN
HARDIN	38	17,764	AVM
HARRISON	24	10,861	PUNCHCARD
HENRY	33	18,529	PUNCHCARD
HIGHLAND	46	25,360	PUNCHCARD
HOCKING	32	16,889	PUNCHCARD
HOLMES	27	16,638	PUNCHCARD
HURON	69	35,103	PUNCHCARD
JACKSON	40	23,431	PUNCHCARD
JEFFERSON	93	52,971	PUNCHCARD
KNOX	53	31,630	ELECTRONIC
LAKE	217	150,137	ELECTRONIC
LAWRENCE	84	38,636	PUNCHCARD
LICKING	125	99,182	PUNCHCARD
LOGAN	52	28,698	PUNCHCARD
LORAIN	246	166,092	PUNCHCARD
LUCAS	518	281,500	AVM
MADISON	44	23,288	PUNCHCARD
MAHONING	312	177,445	ELECTRONIC
MARION	84	39,580	PUNCHCARD

MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27.505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

VAN WERT	39	19,525	PUNCHCARD
VINTON	20	7,770	PUNCHCARD
WARREN	148	101,207	PUNCHCARD
WASHINGTON	81	37,705	SCAN
WAYNE	97	60,048	PUNCHCARD
WILLIAMS	44	24,670	PUNCHCARD
WOOD	104	75,660	PUNCHCARD
WYANDOT	40	14,780	PUNCHCARD
TOTAL	**11,756**	**7,104,549**	

Of note, two of Ohio's largest counties – Cuyahoga and Hamilton counties – currently use punch-card ballot devices, as do two other large urban centers in Ohio, Montgomery and Summit counties. Those four counties, alone, account for nearly 3,600 of Ohio's 11,756 precincts, and more than 2 million of the state's 7.1 million registered voters. Another large urban center in Ohio, Lucas County, is a lever-machine county. NOTE: In 2004, the number of registered voters grew to over 7.9 million and the number of precincts was reduced to 11,360.

In February 2001, the Secretary of State conducted an "Elections Summit."[1] Participants included academics, members of the media, local election officials, legislators, and community groups. The group reported the following:

1. Public confidence in the accuracy of punch card voting systems has been seriously undermined.
2. Boards of elections should upgrade their voting systems to new, more trustworthy technology.
3. Comprehensive voter education is critical to successful election operations.
4. A combination of federal, state, and local dollars may be appropriate to fund these technological improvements.
5. Ohio's current elections standards, based on a combination of secretary of state directives, advisory opinions and rulings, should be codified by the General Assembly.
6. These goals demand immediate attention, or our state runs the risk of repeating the problems of our nation's most recent presidential election – and suffering irreparable damage to the most important and basic concepts of democracy.

Subsequent to the Summit, a separate committee met to study Ohio's election systems. They concluded (by a 6-5 committee vote) that because of the safeguards and procedures in Ohio election law, the punch-card voting method was adequate and there

[1] *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

was no overwhelming need for a statewide overhaul, particularly without available funding.

While the Secretary of State notes that punch-card voting is not explicitly prohibited under the Help America Vote Act, other requirements of the Act make it impractical to use punch-card voting as a primary voting device in the state.

In a study of "over" and "under" voting in Ohio, it was clearly demonstrated that punch-card voting was unreliable to the extent votes cast by thousands of Ohioans were not being counted in the final election tabulation.

Over-voting occurs when a voter casts a vote for more than one candidate in an election and thus disqualifies their vote in that election. Under-voting occurs when a voter fails to mark a ballot in a particular race or votes for fewer than the number of candidates to be elected.

The following table tracks the combined under/over vote phenomenon in the 2000 presidential election in Ohio's 88 counties:

County	2000 Voting System	Total Votes Cast	Total Votes Counted	Difference	Percent Difference
Holmes	PUNCHCARD	9,937	9,145	792	7.97%
Pike	PUNCHCARD	11,084	10,560	524	4.73%
Vinton	PUNCHCARD	5,184	4,946	238	4.59%
Adams	PUNCHCARD	10,727	10,235	492	4.59%
Meigs	PUNCHCARD	10,228	9,795	433	4.23%
Noble	PUNCHCARD	6,210	5,988	222	3.57%
Monroe	PUNCHCARD	7,377	7,115	262	3.55%
Jackson	PUNCHCARD	12,918	12,490	428	3.31%
Gallia	PUNCHCARD	13,203	12,776	427	3.23%
Summit	PUNCHCARD	232,252	224,839	7,413	3.19%
Harrison	PUNCHCARD	7,380	7,161	219	2.97%
Tuscarawas	PUNCHCARD	38,246	37,118	1,128	2.95%
Mercer	PUNCHCARD	18,848	18,294	554	2.94%
Paulding	PUNCHCARD	9,214	8,946	268	2.91%
Belmont	PUNCHCARD	31,039	30,141	898	2.89%
Lawrence	PUNCHCARD	25,180	24,452	728	2.89%
Montgomery	PUNCHCARD	237,580	230,987	6,593	2.78%
Scioto	PUNCHCARD	30,786	29,945	841	2.73%
Guernsey	PUNCHCARD	15,855	15,430	425	2.68%
Morgan	PUNCHCARD	6,158	5,993	165	2.68%
Muskingum	PUNCHCARD	33,520	32,624	896	2.67%
Cuyahoga	PUNCHCARD	590,473	574,782	15,691	2.66%
Sandusky	PUNCHCARD	26,441	25,744	697	2.64%
Brown	PUNCHCARD	16,862	16,429	433	2.57%
Highland	PUNCHCARD	15,854	15,447	407	2.57%
Hocking	PUNCHCARD	11,034	10,756	278	2.52%
Carroll	PUNCHCARD	12,576	12,261	315	2.50%

Perry	PUNCHCARD	13,147	12,828	319	2.43%
Richland	PUNCHCARD	54,088	52,779	1,309	2.42%
Mahoning	SCAN	116,889	114,119	2,770	2.37%
Morrow	PUNCHCARD	13,145	12,839	306	2.33%
Seneca	PUNCHCARD	24,931	24,351	580	2.33%
Wyandot	PUNCHCARD	10,059	9,827	232	2.31%
Jefferson	PUNCHCARD	35,449	34,636	813	2.29%
Erie	SCAN	35,836	35,015	821	2.29%
Crawford	PUNCHCARD	19,622	19,176	446	2.27%
Putnam	PUNCHCARD	17,743	17,344	399	2.25%
Ashtabula	PUNCHCARD	40,378	39,472	906	2.24%
Clark	PUNCHCARD	58,876	57,559	1,317	2.24%
Trumbull	PUNCHCARD	98,440	96,239	2,201	2.24%
Defiance	PUNCHCARD	16,610	16,242	368	2.22%
Champaign	PUNCHCARD	16,035	15,680	355	2.21%
Marion	PUNCHCARD	25,371	24,815	556	2.19%
Darke	PUNCHCARD	23,784	23,267	517	2.17%
Fayette	PUNCHCARD	9,484	9,278	206	2.17%
Washington	SCAN	27,080	26,515	565	2.09%
Lorain	PUNCHCARD	114,480	112,180	2,300	2.01%
Greene	PUNCHCARD	66,524	65,204	1,320	1.98%
Stark	PUNCHCARD	163,061	159,844	3,217	1.97%
Huron	PUNCHCARD	21,788	21,360	428	1.96%
Madison	PUNCHCARD	14,960	14,667	293	1.96%
Logan	PUNCHCARD	18,823	18,455	368	1.96%
Clinton	PUNCHCARD	15,366	15,070	296	1.93%
Clermont	SCAN	71,242	69,877	1,365	1.92%
Columbiana	PUNCHCARD	45,294	44,427	867	1.91%
Van Wert	PUNCHCARD	13,471	13,219	252	1.87%
Preble	PUNCHCARD	18,506	18,166	340	1.84%
Portage	PUNCHCARD	64,026	62,899	1,127	1.76%
Henry	PUNCHCARD	13,484	13,252	232	1.72%
Athens	PUNCHCARD	25,888	25,447	441	1.70%
Hamilton	PUNCHCARD	384,336	377,899	6,437	1.67%
Wayne	PUNCHCARD	43,151	42,436	715	1.66%
Miami	SCAN	43,555	42,841	714	1.64%
Butler	PUNCHCARD	138,992	136,737	2,255	1.62%
Licking	PUNCHCARD	63,490	62,466	1,024	1.61%
Auglaize	PUNCHCARD	20,212	19,892	320	1.58%
Coshocton	SCAN	14,493	14,268	225	1.55%
Williams	PUNCHCARD	16,170	15,919	251	1.55%
Union	PUNCHCARD	17,288	17,024	264	1.53%
Fairfield	PUNCHCARD	54,913	54,094	819	1.49%
Warren	PUNCHCARD	70,109	69,078	1,031	1.47%
Medina	PUNCHCARD	67,850	66,883	967	1.43%
Fulton	PUNCHCARD	19,161	18,896	265	1.38%
Ashland	SCAN	21,535	21,258	277	1.29%

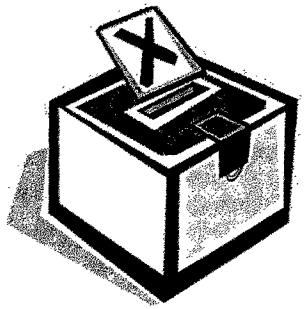
State Plan Committee
Help America Vote Act 2002
Revised State Plan Excerpts

J. Kenneth Blackwell
Ohio Secretary of State

Ross	ELECTRONIC AVB: scan	26,348	26,016	332	1.26%
Wood	PUNCHCARD	52,832	52,194	638	1.21%
Hancock	SCAN	30,958	30,617	341	1.10%
Ottawa	SCAN	20,185	19,968	217	1.08%
Knox	ELECTRONIC AVB: scan	21,488	21,260	228	1.06%
Delaware	PUNCHCARD	55,959	55,403	556	0.99%
Pickaway	ELECTRONIC AVB: scan	17,912	17,740	172	0.96%
Allen	SCAN	44,207	43,795	412	0.93%
Franklin	ELECTRONIC AVB: Punchcard	417,800	414,074	3,726	0.89%
Geauga	SCAN	42,963	42,600	363	0.84%
Lake	ELECTRONIC AVB: Punchcard	103,347	102,564	783	0.76%
Hardin	Precinct: AVM AVB: Punchcard	12,159	12,068	91	0.75%
Lucas	Precinct: AVM AVB: Punchcard	188,419	187,350	1,069	0.57%
Shelby[2]	PUNCHCARD	19,670	19,670	0	0.00%
TOTALS		**4,795,989**	**4,705,457**	**90,532**	**1.89%**

The data shows 29 counties with the highest over/under vote percentage in the 2000 election were all counties that use the punch-card method of voting. The seven counties with the lowest over/under vote percentage in the 2000 election were all counties that did not use punch cards as their primary voting system.

The Ohio challenge in meeting the voter and election reforms envisioned by the Help America Vote Act is obvious. In simplest terms, Ohio is a large and populous state with a diverse mix of urban and rural voters that predominantly relies on punch-card voting as its prevailing voting mode. Modernizing the state's election systems will require widespread change throughout the state and in its most populous counties.



The transition will require a solution that must consider large and small counties, rural and urban areas, and adjustments that will affect an overwhelming majority of Ohio voters. The obvious corollary challenge is selecting a system configuration that meets the needs of all those counties, training election officials and poll workers to use new voting systems, and familiarizing Ohio voters with new voting devices.

While on its face, this appears to be a daunting challenge, we are confident Ohio's State Plan logically anticipates those factors and will meet the guidelines, demands, timetables and expectations of the Help America Vote Act.

[2] Shelby County, a punch-card county, reported no over/under vote in the county's vote tabulation in the 2000 presidential election cycle. This would appear to be a reporting error.

V. Voter Trends: the Context for Change and Reform

We pause only for a moment in this report to reflect on voter turnout in Ohio. We do so for several reasons, not the least of which Ohio contemplates election reform and system modernization to take place in a presidential election year when voter turnout is higher and demand on the election system is greatest.

We also explore voter turnout and trends as context for meeting the most desirable benefit and objective of the Act: to restore public confidence in the election system and, subsequently, increase voter participation. While new, more technologically proficient systems, increased voter registration, accessibility and accuracy are hallmarks of Help America Vote, the more encompassing aim of the Act is to invite more voters into the process to exercise their rights and responsibilities as qualified electors.

In developing the State Plan, we must anticipate that voter participation will increase, voter turnout percentages will climb, and demand on the election system will be greater. We can only gauge those factors based on Ohio's experience in past elections and the historical trends that will serve as a predictor of future trends.

The following table tracks Ohio voter turnout in both gubernatorial elections and presidential elections during the past 24 years.

Gubernatorial Election Years			Presidential Election Years		
Year	No. of Electors Voting	Turnout Percentage	Year	No. of Electors Voting	Turnout Percentage
1978	3,017,326	58.23%	1980	4,378,937	73.87%
1982	3,551,995	62.36%	1984	4,664,223	73.65%
1986	3,261,870	54.38%	1988	4,505,264	71.79%
1990	3,620,469	61.23%	1992	5,043,094	77.15%
1994	3,570,391	57.29%	1996	4,638,108	67.83%
1998	3,534,782	49.81%	2000	4,800,009	63.73%
2002	3,356,285	47.24%	2004	5,574,476	69.86%

The chart shows that during the course of the past six gubernatorial elections, voter turnout has averaged about 55.79 percent. During the past six presidential elections, voter turnout in Ohio has averaged 71.33 percent. Based on this historical data, Ohio can generally anticipate about 1.25 million more voters in a presidential election year than in a gubernatorial election cycle.

Even a modest 5 percent gain in that average means 62,500 more voters. Subsequently, based on projected population growth and increased voter participation as a result of election reforms and modernization, our State Plan assumes 150,000 new voters during peak presidential elections growing at an annual rate, after initial implementation of new systems and election reforms, of 3 percent per annum.

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

Since 1978, voter participation in the state's gubernatorial elections has grown from 3 million voters to about 3.3 million voters. Since 1980, voter participation in presidential elections has grown from about 4.3 million voters to about 4.8 million voters. Factoring population growth during those decades, those statistics would imply that voter participation has remained relatively flat and, in all likelihood, is trending lower.

We have a high confidence level that the election reforms of the Help America Vote Act will produce more voter activity and a greater number of voters. Ohio doesn't view the Act as a final effort to produce greater voter participation, but the beginning of an expanded effort to entice more voters to exercise their rights and responsibilities to participate in the election process.

We believe modernization and reform require us to actively engage in voter education and to continue to evaluate programs that will produce greater participation in the democratic process. We pledge our effort to continue to explore new and innovative programs that will achieve those objectives.

VIII. Distribution of Resources to Local Governments

We first explore our proposed distribution of aid to local government under Title I. Under guidelines of the Act, these funds must be used assuming the following criteria:

- These funds may be used as a reimbursement for costs associated with punch-card or lever machine replacement incurred after Jan. 1, 2001.
- There is a presumption states must ensure compliance in time for the November, 2004 Federal Election.
- Within six months after the date of enactment, Ohio must certify that the state will use the money for punch-card/lever machine replacement, the state will comply with federal laws, and the voting system will meet new voting system standards.

We anticipate that no change in state law or new legislation will be required to carry out the activities required for certification.

At the initial writing, the Congressional Research Service (CRS) estimated that full-funding under the Act, for both Title I and Title II receipts, would total $155,251,155. CRS estimates $116,423,155 of that amount represents Title II funding under the Requirements Payments component of the Act. However, as of this revision date, the Congress has not appropriated the full funding as prescribed in Public Law 107-252.

In addition, the state has appropriated $5.8 million in matching funds for Title II payments, as required by the Act, which means total available funds for implementation of the State Plan in Ohio will be approximately $132 million.

All money in Title II is based on the state's portion of the nation's voting age population. The most recent estimate is that Ohio's 8.5million voting-age population represents 3.97 percent of the nation's voting age population of 215.1 million.

Because of the prevalence of punch-card voters in Ohio, we are keenly focused on the distribution of funds under Title I and, more precisely, the buy-out program. The Act stipulates the funds will be distributed to states by multiplying the number of qualifying precincts by $4,000. However, based on available federal funds for this purpose and the number of punch-card and lever-machine jurisdictions in the U.S., it now appears that number likely will be about $3,354 per precinct. As previously mentioned, Ohio has 69 counties designated as punch-card counties.

In addition, two Ohio jurisdictions – Hardin and Lucas counties – feature lever voting machines and would be eligible for funding under the guidelines.

In total, under the formula, the 69 punch-card counties and two lever-machine counties in Ohio means the state would be eligible for about $31 million in federal funds under the buyout program.

However, we know $31 million is insufficient for the counties to purchase modern, reliable voting systems capable of meeting requirements of the Act. Subsequently, our budget for voter and election reforms in Ohio presumes the state will require about $24.2 million to establish a centralized voter registration database and related support for voter education and poll worker training. Our plan calls for the remainder of the Title funds to be allocated to Ohio's 88 counties to help subsidize installation of new systems and implement other required activities under the Act.

Following is the budget we envision for distribution of the $161 million in funds in Ohio to meet requirements of the Help America Vote Act:

Activity	Fund Distribution	Jurisdiction	Purpose
Voter Registration Database	$5 million	State and Counties	Develop statewide voter registration database
Voter Education	$5 million	State and Counties	Administered by the State in coordination with the counties
Poll Worker Training	$5 million	State	To be distributed as grants to counties
Administrative Expenses	$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	$2 million	State	For associated costs of implementing HAVA

Voting Equipment and other Activities	$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.

While much of the focus is on the counties with punch card and lever-machine voting systems, in reality, all 88 Ohio counties will be expected to conduct some form of system modification and upgrade to make the system in Ohio uniform and compliant with the Act. Subsequently, the premise of the Ohio Plan is to look at the voter and election system statewide, based on the distribution of registered voters in each of the 88 counties.

Viewed in that context, the $116 million to be allocated to the counties will be distributed in the following priority order, as federal funds become available:

- Replacement of punch-card and lever-machine voting equipment to the extent that new voting systems would be installed immediately in the 71 affected counties;
- Installation of voting devices compliant with the disability requirements of the Act in all 88 counties;
- Bringing remaining counties into compliance with Section 301 of the Act by funding necessary upgrades and refinements of all other existing systems and equipment.

The Secretary of State reserves the right to distribute the funds to counties based on need and special circumstances.

The Secretary of State defines "need and special circumstances" to mean that it is possible some counties will need less funding and others more funding to meet the compliance standards of the Help America Vote Act. On that basis, the Secretary of State will shift funds as he deems necessary to bring all counties into compliance.

The Secretary of State acknowledges that one county, Mahoning County, took the initiative to convert their voting system to electronic voting after Jan. 1, 2001. Funding consideration will be given to all six Ohio counties using electronic voting equipment to bring those counties into compliance with HAVA.

We think this model provides us with great flexibility to allocate Title I and Title II funds in a way that assures full compliance with the requirements of the Act. Invariably some funds would be shifted away from counties that demonstrate a lesser need and reallocated to counties that demonstrate a greater need. But the allocation method is a fair method that will further assure all counties that adequate funds will be available to fully fund the requirements of the Act at the local level.

The Ohio Secretary of State will establish guidelines as part of the performance measurement for county compliance. When compliant systems are purchased for the counties, the Secretary of State will require transition to new voting systems by all punch-card and lever-machine counties by May 2, 2006. The Secretary of State will provide counties with a list of acceptable vendors to supply the new voting equipment and counties must choose from that approved list by no later than Sept. 1, 2003.

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems.

To ensure uniformity and compliance, the Secretary of State will stipulate design specifications for voting equipment. If a county fails to select a vendor by Sept. 1, 2003, the Secretary of State will designate a vendor for that county and order installation of new voting equipment in that jurisdiction .

Although the Act required the replacement of punch-cards and lever machines by the General Election in 2004, the Secretary of State wanted these new systems in place in Ohio for the Primary Election to ensure a smooth, seamless transition and full operational capability in time for the presidential election. Due to extenuating circumstances, a waiver was granted in December 2003 giving the Secretary of State until the Primary Election in 2006 to replace punch-card and lever machines.

On May 7, 2004, Governor Taft signed into law Substitute House Bill 262. The Act requires all direct recording electronic voting machines used in Ohio to include a voter verified paper audit trail and changes the process for counties to acquire voting systems using funds made available pursuant to the Help America Vote Act (HAVA) of 2002. As the result of this additional legislative requirement, the Secretary of State was forced to revisit the original decision to allow counties to select between Direct Recording Electronic (DRE) and Precinct Count Optical Scan (PCOS) voting systems. A logical analysis of the requirements of both HAVA and SHB262 showed that in order for the state of Ohio to be in compliance with both federal and state law, meeting both time, costs and certification constraints, the Secretary of State must purchase Precinct Count Optical Scan voting systems through existing contracts already approved by the Controlling Board to satisfy HAVA requirements. While this change limits the flexibility previously offered to the counties when selecting between voting systems, the use of Precinct Count Optical Scan voting systems introduces a new opportunity for counties in the form of improved operational processes. Furthermore, the Secretary of State will allow counties to re-select their vendor based upon the additional mandated requirements of Substitute House Bill 262. All counties must submit in writing to the Secretary of State their vendor selection by February 9, 2005.

The Secretary of State has already established a fund account for all federal monies designated for Ohio under the Act and those funds, as applicable, will be disbursed from that account as our plan is implemented. This account is segregated to reflect federal funds designated for county buy-outs, election administration and Requirements payments.

Reports will be generated to show the allocation and distribution of these funds and that report will be forwarded to the Election Assistance Commission along with a performance report to show the state's progress and performance in implementing provisions of the Act.

X. Voter Education, Election Official and Poll Worker Training

Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process.

Earlier in this report, we alluded to research currently being conducted by the Secretary of State's office to improve poll worker recruitment, training, education and retention. That effort addresses the reality that many of our current poll workers are from a generation that places a premium on voting, elections and the democratic process. Many of our poll workers are senior citizens who very much value freedom and free election processes as a result of their experiences in growing up in the World War II and Korea era.

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process. Our research is exploring that challenge and opportunity to pass the torch to the next generation. But the research is also looking at other creative options to ensure Ohio has a ready, able and competent corps of poll workers.

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

Provisional voting, for example, was a challenge for many of our poll workers during past election cycles as Ohio aggressively implemented new procedures to accommodate provisional voters. Our poll workers have successfully navigated provisional voting and have successfully met the needs of provisional voters.

But to adequately train poll workers, we must first train election officials. The Secretary of State will meet that challenge with a number of programs and initiatives. New training seminars will precede each election in Ohio where election directors and their staff will be given an opportunity to learn about new procedures and changes.

The Secretary of State also will enhance its electronic communication with election officials by providing updates and advisories about changes in state and federal election law. Our goal is to provide this information as soon as we have the information in hand.

Additionally, the Secretary of State will conduct an inventory of current training materials and produce new information and guidelines in both written and video formats. The Secretary also has asked his staff to provide election directors with new materials that can supplement the training of poll workers.

To ensure seamless transition to new voting systems, we are asking system vendors to partner with us in the production of clear, graphically-driven pamphlets and brochures that tell voters how the voting devices work. Earlier we mentioned the use of simulators and internet-based simulation of new voting devices to provide voters with an opportunity to try out the new technology even before they enter the voting booth to cast their official ballot.

We think these enhancements and initiatives will advance our implementation of the Help America Vote Act in Ohio and pave the way for a smooth transition to new voting devices and election processes. Some of our preparation for new election processes in Ohio includes some structural changes. We are asking each county board of elections, for example, to designate a training coordinator who will communicate directly with an election training coordinator in the Secretary of State's office.

It is our aim for these coordinators to meet frequently throughout the year, exchange information and help us think about ways to improve the election system in Ohio.

After the election, we will gather from all 88 counties a report from these coordinators detailing issues, questions and problems they encountered and how they addressed the situation. From these reports, the Secretary of State will use that data and information to respond to election issues and disseminate that information to election directors so they can make refinements at the local level in subsequent elections.

But to glean a voters-eye view of the process and how we can improve the election system, we will distribute to a selected sample of voters in every county a short survey device that will track their voting experience and give them an opportunity to provide us with feedback on how we can improve the process. The survey will be

distributed to a pre-determined number sample of voters throughout the state as they exit the voting booth.

We think this innovation is important to better understand voter needs and to view our election process through the eyes of the "consumer." Information we collect from both coordinators and the sample voters will guide us in developing relevant and meaningful training materials for both election officials and poll workers in future elections.

The Secretary of State also will develop a new "get-out-the-vote" program in Ohio that will encourage more voters to participate in the election process. While such programs currently exist in the Secretary of State's office, personnel will be dedicated to conducting research and learning more about voter behavior in Ohio.

In early 2004, the Secretary of State launched "Your Vote Counts," a comprehensive voter education program aimed at better preparing voters for the November 2, 2004 election. The goal was to provide all Ohio voters with the information they need to vote so that we can reduce the opportunity for difficulties on Election Day. This effort entails ensuring every voter gets the same consideration.

The program's Web site, www.YourVoteCountsOhio.org, features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio. In addition, the Secretary of State has made a special effort to reach out to students with his "Xpect More" campaign. The "Xpect More" advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 "Xpect More" brochures have been distributed to students through schools and across Ohio.

In many states, the appeal is often directed at those who are registered to vote, were registered to vote or who have voted in the past. The Secretary of State would like to target potential new first-time voters by coordinating voter recruitment with civics and government teachers in high schools throughout Ohio where there is a captive audience of potential new voters. Additionally, the Secretary would like to initiate research that targets Ohioans who have never voted to learn more about their decision not to participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

The proposed budget for these activities is $2.5 million earmarked for voter education, and $5 million set aside for election official and poll-worker training. We propose making election official and poll-worker training funds available as state grants to the counties to supplement local activities and initiatives of the county boards of elections.

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

In order to qualify for these funds, counties must submit to the Secretary of State a detailed plan that identifies proposed programs and initiatives and how the funds would be used. After each General Election, counties would be required to report on the deployment of these programs and their assessment of the value of the education and training.

XVI. Estimated Timelines for Implementation of the State Plan

Following are key dates and the proposed timetable for implementation of our State Plan:

- **March 18, 2003:** State Plan Advisory Committee named, public input process defined.
- **April 3-4, 2003:** State Plan Advisory Committee conducts public hearings.
- **April 9, 2003:** RFP released for statewide voter registration system.
- **April 17, 2003:** State Plan Advisory Committee reconvenes to review draft State Plan.
- **May 7, 2003:** Competitive bids due for voter registration system.
- **May 13, 2003:** State Plan finalized and published for 30-day review.
- **May 16, 2003:** RFP released for voting system vendors.
- **June 2, 2003:** Secretary of State awards bids for voter registration system.
- **June 16, 2003:** State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- **Aug. 1, 2003:** Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- **Sept. 2, 2003:** County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- **November 21, 2003:** Direct Recording Electronic (DRE) Technical Security Assessment Report prepared by Compuware submitted to Secretary of State.
- **Dec. 1, 2003:** Statewide voter registration system installed and fully operational.
- **Dec. 19, 2003:** Requested a waiver from the Federal Government on deployment of the computerized voter registration system.
- **March 2, 2004:** Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)
- **April 29, 2004:** Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- **May 7, 2004:** Substitute House Bill 262 enacted.

- **August 18, 2004:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- **Nov. 2, 2004:** General Election
- **November 17, 2004:** VVPAT requirements distributed for comments.
- **January 3, 2005:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- **January 3, 2005:** VVPAT rules filed with JCARR.
- **January 1, 2006:** Centralized Statewide Voter Registration File fully implemented.
- **May 2, 2006:** Replacement of punch-card and lever machine complete.

XVIII. The State Plan Committee: HAVA and Beyond

We reserve this section of the report to capture the comments and thoughts of our State Plan Committee. While many of the committee's recommendations and much of their input is reflected in preceding sections of the report, it was clear this panel of distinguished Ohioans went beyond merely thinking about minimum requirements of the Help America Vote Act and insisted on expanding their mission to address issues that will produce broad and meaningful election reform in our state.

That kind of visionary thinking is precisely what the Secretary of State had in mind when he impaneled the State Plan Committee.

If there was a universal theme that resonated from the committee's deliberations, it was consensus that Ohio must aggressively engage the next generation of voters and make young people in our state understand their role as stakeholders in the democratic process. It is insufficient, the panel said, to merely invite high school and college students into the election process. Ohio, the State Plan Committee said, must be proactive in educating young people about the election process and instill a deeper commitment to engendering student participation in the election process.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio.

Linda Carr, Daisy Duncan Foster and Pastor Aaron Wheeler were particularly passionate in their remarks about this issue and said Ohio should be creative in developing new programs and initiatives to bring young voters into the process. The Committee urged the Secretary of State to aggressively seek available funds under Title V and Title VI funding of the Help America Vote Act to accomplish this critical task.

Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school

and college students. Pastor Wheeler suggested Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio. "We need to acknowledge that," she said.

But Rep. Hollister and other committee members said that shift in governance does not minimize the necessary independence, ongoing role or responsibility of counties to execute election policies within the new governing framework created by the Help America Vote Act.

Committee member Jeff Matthews said county boards of elections must be independent to effectively achieve the objectives of the Help America Vote Act, and Ms. Duncan Foster said boards of elections must feel "some ownership of the process." In that context, it was the consensus of the State Plan Committee that full compliance with the Help America Vote Act requires critical coordination and a strong working relationship between the Secretary of State's office and local boards of elections.

Election officials Guy Reece and Tom Coyne, along with Mr. Matthews, agreed that innovation doesn't end with the Help America Vote Act. They said Ohio must constantly be looking for new methods, new procedures and new ideas to keep the election process viable and invite more Ohioans to exercise their right to vote.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

Mr. Reece invited future exploration of election innovations being tested in other states such as open voting, early voting, ballot on demand and expanded availability and use of absentee ballots. Catherine Turcer asked that the Secretary of State consider the flexibility of voting devices that would allow for concepts such as instant runoff voting and proportional representation.

Ms. Turcer also recommended the Secretary of State ensure that the RFP for new voting equipment carefully consider the necessity for strong auditing capability that would provide a spot-check feature for pre-testing. Ms. Turcer and Donna Alvarado said alternative language capability also should be included in the RFP in anticipation of changing future demographics in the state.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should

be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

She said language requirements also need to be considered in education products produced by vendors and election officials in how to use the new voting equipment, as well as in training of poll workers and election officials. She said alternative language issues need to be considered in creation and execution of the grievance process and procedures.

She suggested the Secretary of State consider alternative language policies that exceed the 5 percent threshold.

While preceding sections of the report address monitoring procedures for implementation of the Help America Vote Act in Ohio, Ms. Alvarado said compliance monitoring should be "futuristic" and focus on outcomes. While measuring accomplishments, she said the state and local jurisdictions also should be forward looking and report, for example, where the state expects to be in the next five years and beyond.

She said monitoring and compliance should address issues such as where Ohio wants to be as a state, how we achieve those objectives, who is responsible for implementing these plans, what the funding sources will be for implementation and what will be different when changes, modifications or new procedures are implemented in the election process.

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in meeting voting and election reforms. She suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

Mr. Long acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

A primary focus in the deliberation of the State Plan Committee was how Ohio could best address disability issues related to implementation of the Help America Vote Act. Eric Duffy said the issue of physical barriers is a real and pressing issue that calls for creative solutions in Ohio. He emphasized that Ohio must consider not only what takes place inside the voting place, but what physical barriers exist that hinder access outside the building.

Pastor Wheeler, chairman of the Ohio Civil Rights Commission, offered the assistance of that agency in working with the Secretary of State in exploring solutions to that issue.

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

Mr. Long noted that there is concern among county commissioners about whether the federal funding anticipated for implementation of the Help America Vote Act is sufficient to purchase the voting equipment needed to make Ohio HAVA compliant. But a comparable concern, he said, is consideration of future maintenance and replacement costs, as well as related cost issues such as storage requirements for the new equipment.

He acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

Rep. Hollister also discussed the funding issue, suggesting the state, at some future date, might consider bonding options to assist in paying for ongoing costs associated with implementation of the Act, as well as making funds available for voter education, system upgrades and youth participation in the election process.

Further, she said that although there appears to be no immediate need for sweeping changes in state election laws, the state should constantly evaluate that need and enact legislative change as required.

Mr. Coyne emphasized the need for the Secretary of State and local boards of elections to fashion voter system reforms in a way that keeps the process from becoming "vendor-driven." He said county boards need time to assess and evaluate the unique demands in each jurisdiction and recommended the Secretary of State consider meeting the disability requirements of HAVA in time for the 2004 election, but proceed more deliberately on installment of new voting equipment.

In May 2004, Substitute House Bill 262 was enacted into law by Governor Taft which requires all direct recording electronic voting machines used in the State of Ohio to include a voter verified paper audit trail (VVPAT). Substitute House Bill 262 mandates the Secretary of State shall establish by rule standards for the certification of the VVPAT. In addition, the bill created a county electronic voting machine maintenance fund.

XIX. Summary of the State Plan

Section 254 of the Help America Vote Act of 2002 lists the required components of the State Plan and this document fulfills those requirements.

State Plan Committee
Help America Vote Act 2002
Revised State Plan Excerpts
J. Kenneth Blackwell
Ohio Secretary of State

This report demonstrates that Ohio, because of its widespread use of punch-card voting, is perhaps challenged more than other states to reform its election methods and modernize its voting systems. The size of the state, ranking seventh among the 50 states in total population, and the mix of rural and urban population makes the transition even more challenging.

Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

Recognizing the enormity of the task confronting Ohio, some members of the State Plan Committee and witnesses who testified before the committee counseled the Secretary of State to invoke waivers that would allow the state to delay its full implementation of the plan until the 2006 election cycle.

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised and Ohio votes are lost or miscounted. Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

As election officials, if we know voters are disenfranchised and that legitimately cast ballots are being discounted, we have not only a moral obligation to immediately embrace a solution, but a legal obligation to find a remedy and enact measures to prevent that from happening. If even one voter is denied the right to vote, we are obligated, by law, to determine the cause and forge a solution. The evidence is overwhelming that thousands of Ohio voters have been disenfranchised by antiquated voting equipment and that many thousands more have lost confidence in the reliability and accuracy of voting devices currently in use in most of Ohio's 88 counties.

The Secretary of State has confidence in the election professionals who conduct and administer elections in the State of Ohio, and believes Ohio has the capability to enact reforms that have already taken place in other states.

We are emboldened in our decision to press forward with implementation of this plan based on the experience of Knox and Lake counties in executing successful elections after implementing new systems only weeks before the General Election. The Knox County Board of Elections, which has only four employees, received delivery of new electronic voting devices in October, 1996, a presidential election year, and deployed them in the November General Election.

Lake County issued a request for proposal in April 1999, awarded bids in July of that year, took delivery of a new voting system the following September, and conducted a successful election weeks later in the November General Election.

Under the timetable established in this plan, new voting systems would be installed and operational in time for the Primary Election in 2004, providing local boards of elections with an opportunity to test the new systems before fully engaging them in the 2004 presidential election cycle.

However, we refer to the preceding section of this plan. Full implementation of this plan presumes full funding by the federal government. If the Secretary of State determines that federal funding for implementation of this plan is not forthcoming from the federal government in a timely manner, we will notify the Elections Assistance Commission of our intent to revise this plan and adjust the timetable for implementation.

Since the Federal Government has not appropriated the remaining funding for HAVA, it was necessary for the Secretary of State to modify our state plan and adjust the timetable for implementation. Initially, we had set an aggressive and ambitious full implementation for November 2004. Unfortunately, due to the delays in receiving funding and the establishment of the Elections Assistance Commission, we project full implementation of all HAVA requirements by May 2006.

Boards of Elections should be assured that the Secretary of State will focus all of its available personnel and resources to assist counties in enacting these reforms and meeting the requirements of the Help America Vote Act.

Boards should also be assured the Secretary of State will work with county officials and elections administrators to ensure available resources are distributed as quickly as possible and that cost containment efforts will be undertaken to minimize implementation costs to counties. Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We include in this definition of electronic voting devices the option for some counties to choose optical scanning devices that are HAVA compliant. In counties which have invested in this equipment and prefer these optional voting devices, the Secretary of State will consider deployment of this equipment as acceptable if certain modifications are made to ensure compliance with statewide voting standards. These counties, however, would be required to feature at voting locations electronic voting equipment that accommodates the needs of people with disabilities.

Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We presume the transition to electronic voting equipment will, at minimum, reduce printing costs in most counties. We believe there are further savings and efficiencies that will be derived from electronic voting that will reduce personnel and labor costs.

The DRE option also will introduce added efficiencies in the election process that will eliminate issues related to "over-votes," recounts and ensuring full voter participation by persons with disabilities. We also believe an electronic-based voting system will enhance training

and education across the spectrum for election officials, voters and poll workers if the system is sufficiently user-friendly.

Based on the foregoing, following is a summary of the State Plan for Ohio based on the requirements delineated in Section 254 of Public Law 107-252:

(1) How the State will use the requirement 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.

Ohio will implement new voting systems and procedures that meet the general requirements of Title III ensuring the systems have audit capacity, disability access, and alternative language accessibility, where applicable, and that the systems meet error rate thresholds established by the Federal Elections Commission.

(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).

Ohio anticipated federal funding and state matching funds would be about $161 million. Unfortunately full federal funding was not appropriated and the total federal funding and state matching funding is approximately $137 million. The Secretary of State will allocate about $106 million of that amount for installation of new voting equipment and upgrades of existing voting equipment in Ohio counties, and use the remaining portion to implement statewide voter registration and establish a provisional voting hotline. Disbursements in the amount of $5 million will be available to Ohio's 88 counties for election official and poll worker training. Additionally, the Secretary of State will make $5 million available for administration of a statewide voter education program. The Secretary of State will draft guidelines and reporting requirements to monitor distribution of these funds and to ensure county compliance with the Help America Vote Act of 2002.

(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.

See response to No. 2. Additionally, the Secretary of State, in establishing an authorized vendor list for deployment of new voting equipment, will require vendors to include, as part of their bid proposal, fund allocation that includes voter education, election official education and training, and poll worker training. The Secretary of State also will implement new programs and procedures to supplement these vendor requirements and efforts at the county level to address these issues.

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

See preceding responses. Ohio will replace punch-card voting in the State and require deployment and installation of electronic-based voting devices that meet the requirements of the Act. The request for proposal for new voting equipment will be crafted to presume required features and safeguards that ensure a uniform voting standard and compliance in all Ohio counties with specific requirements of the Act.

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

Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

(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.

See response to No. 2 and the fund distribution table on page 23 of the State Plan. The Secretary of State believes full implementation of the plan will require all available federal funding and state matching funds to meet the requirements of the Act.

(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.

(*See Section XV. Requirements Payments: Maintenance of Effort.*) Attached to this State Plan are budget materials that show the level of spending for election services by the Secretary of State in FY 2000 and projected levels of spending for FY 2004-05. The Secretary certifies that no federal funds for Requirements payments earmarked for voter reforms and system modernization will be used to supplement the state budget for operation and administration of the office.

(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 criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

The Secretary of State assumes full responsibility for ensuring compliance with the Act. Specific timetables are included in this plan which requires all punch-card and lever machine counties to install and deploy new voting equipment that meets the uniform standards of the Act by May 2, 2006. The plan also calls for a statewide voter registration system to be in place and fully operational by January 1, 2006. See Section XIV for ongoing performance measurement.

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

See attached procedure and refer to Section XIII of the State Plan, Administrative Complaint Procedures and Grievances.

(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.

See response to No. 2. Ohio will use funds from Title I for antiquated systems buyout and to improve election administration activities and procedures. See the fund distribution table on page 23 of the State Plan and allocation and distribution formula described on page 24.

(11) How the State will conduct ongoing management of the plan.

See Section XIV, Ongoing Performance Measurement. Throughout this State Plan is a description of the management practices and procedures outlined by the Secretary of State to ensure compliance with the Act. Any material change in this plan will result in a resubmission of the Plan in accordance with Sections 255 and 256 of the Act.

(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 how the State succeeded in carrying out the State Plan for such previous fiscal year.

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission. The changes reflected in the revised State Plan did not have any financial impact for the previous fiscal year.

(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.

See page 3, The State Plan Committee, and Section VI, How Ohio Developed its State Plan.

This State Plan respectfully submitted to the Elections Assistance Commission, in accordance with U.S. Public Law 107-252, this 16th day of June, 2003.

J. Kenneth Blackwell

J. KENNETH BLACKWELL
Secretary of State

[FR Doc. 05–6750 Filed 4–6–05; 8:45 am]

BILLING CODE 6820–YN–C

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: United States Election Assistance Commission.

ACTION: Notice of public hearing agenda.

Date & Time: Tuesday, April 26, 2005, 12:30 p.m.–4:30 p.m.

Place: Massachusetts Institute of Technology (MIT), Bartos Theater, 20 Ames Street (lower level), Cambridge, MA 02142–1308. (Massachusetts Bay Transit Station Stop: Kendall Square.)

Agenda: The Commission will conduct a public hearing to present proposed voluntary guidance to the states on implementing statewide voter registration databases and to solicit comments on that guidance from members of the election community and public.

The Commission will hear presentations by a panel of persons involved with the development of voter registration databases as well as a panel of persons who will use guidance on the databases.

EAC will provide a one-hour public comment period. Members of the public who wish to speak should contact EAC via e-mail at *testimony@eac.gov*, or via mail addressed to the U.S. Suite 1100, Washington, DC 20005, or by fax at 202/566–3127. Comments will be strictly limited to 3 minutes per person or organization to assure that all constituent or stakeholder groups are represented. All speakers will be contacted prior to the hearing.

EAC also encourages members of the public to submit written testimony via e-mail, mail or fax. All public comments will be taken in writing via e-mail at *testimony@eac.gov*, or via mail addressed to the U.S. Election Assistance Commission 1225 New York Ave, NW., Suite 1100, Washington, DC 20005, or by fax at 202/566–3127.

CONTACT FOR FURTHER INFORMATION: Bryan Whitener, Telephone: (202) 566–3100.

Ray Martinez III,

Commissioner, U.S. Election Assistance Commission.

[FR Doc. 05–7065 Filed 4–5–05; 1:32 pm]

BILLING CODE 6820–YN–M

DEPARTMENT OF ENERGY

[Docket No. EA–273–A]

Application To Export Electric Energy; Rainy River Energy Corporation

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Rainy River Energy Corporation (Rainy River) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 9, 2005.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Systems (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On March 24, 2003, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–273 authorizing Rainy River to transmit electric energy from the United States to Canada as a power marketer. That two year authorization will expire on March 24, 2005.

On March 14, 2005, Rainy River applied to FE to renew its authorization for a five-year term. Rainy River proposes to arrange for the delivery of exports over the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities Company, Eastern Maine Electric Cooperative, International Transmission Company, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, Vermont Electric Transmission Company.

The construction of each of the international transmission facilities to be utilized by Rainy River, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the dates listed above.

Comments on the Rainy River application to export electric energy to Canada should be clearly marked with Docket EA–273–A. Additional copies are to be filed directly with Christopher D. Anderson, Counsel for Rainy River Energy Corporation, 30 West Superior Street, Duluth, MN 55802.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.doe.gov*. Upon reaching the Fossil Energy Home page, select ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on March 31, 2005.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Fossil Energy.

[FR Doc. 05–6929 Filed 4–6–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–301]

Application to Export Electric Energy; WPS Energy Service, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: WPS Energy Services, Inc. (WPS ESI) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 9, 2005.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Systems (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).