Federal Register

Thursday,
September 28, 2006

Part II

Election Assistance Commission

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

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

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

ACTION: Notice.

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

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

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

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual State at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates. Illinois' current submission is the State's second submission of material changes. EAC published the first update to Illinois' State plan in the **Federal Register** on December 22, 2004. 69 FR 76695. EAC has not previously published an update to either the Indiana or Louisiana State plans. South Carolina's current submission is the State's third submission of material changes. EAC published the first update to South Carolina's State plan in the **Federal Register** on September 30, 2004. 69 FR 58630. EAC published the first update to South Carolina's State plan in the **Federal Register** on August 25, 2005. 70 FR 50076. Virginia's current submission is the State's second submission of material changes. EAC published the first update to Virginia's State plan in the **Federal Register** on September 12, 2005. 70 FR 53783.

The submissions from Illinois, Indiana, Louisiana, South Carolina, and Virginia all address material changes in the State budgets; State plan committees of their previously submitted State plans; and in accordance with HAVA section 254(a)(12), provide information on how the States succeeded in carrying out their previous State plans. The current submission from Illinois addresses a material change to its Performance Goals and Measures. The current submission from Indiana addresses a material change to its outreach, training, and education initiatives due to changes in Indiana state law. The submission from Louisiana contains appendices showing changes made to state laws that impact elections, including changes made to deal with the issues faced by displaced voters resulting from Hurricane Katrina in 2005. The submission from South Carolina addresses material changes to the budget based on the amount of funds actually received by the state and not on the authorized amounts. The current submission from Virginia addresses material changes to the State's Performance Goals and Measures.

Upon the expiration of thirty days from September 28, 2006, Illinois, Indiana, Louisiana, South Carolina, and Virginia will be eligible to implement the material changes addressed in the plans that are published herein, in accordance with HAVA section 254(a)(11)(C).

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

Chief State Election Officials

Illinois

Daniel W. White, Executive Director, State Board of Elections, 1020 S. Spring St, Springfield IL 62704, Phone: 217–782–4141, Fax: 217–524–5574, E-mail: *dwhite@elections.state.il.us.*

Indiana

Honorable Todd Rokita, Secretary of State, The State House, Room 201, Indianapolis, IN 46204, Phone: 317–232–6531, Fax: 317–233–3283, E-mail: *havaadministrator@sos.in.gov.*

Louisiana

Honorable Al Ater, Secretary of State, P.O. Box 94125, Baton Rouge, LA 70804–9125, Phone: 225–922–1000, Fax: 225–342–5577, E-mail: *mnorton@sos.louisiana.gov.*

South Carolina

Ms. Marci Andino, Executive Director, State Election Commission, P.O. Box 5987, Columbia, SC 29250–5987, Phone: 803–734–9060, Fax: 803–734–8366, E-mail: *elections@elections.sc.gov.*

Virginia

Ms. Jean R. Jensen, Secretary, State Board of Elections, 200 North 9th Street, Suite 101, Richmond, VA 23219, Phone: 804–864–8901, Fax: 804–371–0194, E-mail: *HAVA@sbe.virginia.gov.*

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

Dated: September 15, 2006.

Paul S. DeGregorio,

Chairman, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

HELP AMERICA VOTE ACT

STATE OF ILLINOIS

STATE PLAN

Daniel W. White
Executive Director
Illinois State Board of Elections

April 1, 2006

The state plan is also available at
http://www.elections.state.il.us/VoteInfo/Pages/HAVA.htm

Daniel W. White
Executive Director
Illinois State Board of Elections

The State Board of Elections is an independent constitutional agency responsible for general supervision over the administration of the registration and election laws throughout the State of Illinois. The Board consists of eight members – four Democrat and four Republican. The Board appoints an Executive Director and Assistant Executive Director to oversee the day-to-day activities of the State Board of Elections. The Executive Director serves as the Chief Election Officer for the state.

During its thirty year existence, the legislature has expanded the duties of the State Board of Elections to include many other aspects of the election process. The Board oversees and provides services to 110 election jurisdictions throughout the state. With the passage of The Help America Vote Act of 2002 (HAVA), the Board will be responsible for ensuring the provisions of HAVA are implemented in a proper and timely fashion.

Legislation was passed and signed by the Governor to implement provisions under the Help America Vote Act of 2002. Among other things, Public Act 93-0574 established the Help Illinois Vote Act fund so that Illinois could receive federal funds; established new criteria in the Election Code for provisional voting; provided for the definition of a vote for punch card systems, optical scan systems and the Populex system; and authorized the use of direct recording electronic voting systems in Illinois.

The legislature passed, and the Governor signed, a bill which appropriated $5 million from the Capital Development Fund to the State Board of Elections for grants to local governments for the purchase of accessible polling machines. This fulfills the HAVA requirement that the state has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent .

A computerized statewide voter registration system is in place, however at this time it is not fully in compliance with HAVA. Great progress has been made since the Board entered into a contractual agreement in February 2006 with the primary vendor on this project. Work will continue to bring it into full compliance.

Section 1. Title III Requirements Payment

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

Section 301 Voting Systems Standards

Public Act 93-0574 (PA 93-0574) authorized the use of Direct Recording Electronic Voting systems (DRE) approved by the State Board of Elections. Rules were promulgated and staff has tested and certified accessible voting equipment for use in Illinois. The State Board of Elections adopted the 2002 Voluntary Voting System Guidelines on November 17, 2003. Prior to the December 2007 effective date, the Board will review and consider the adoption of the 2005 Voluntary Voting System Guidelines. Each election jurisdiction now complies with the HAVA requirement that one fully accessible machine be available in each polling place. These systems must be fully accessible to permit blind or visually impaired voters as well as physically disabled voters to exercise their right to vote in private and without assistance. All election jurisdictions had at least one accessible voting system in every polling place for the March 21, 2006 primary election. The election authorities are encouraged to ensure that each accessible voting machine is in working order and is fully accessible to voters with disabilities during the entire voting process.

Election jurisdictions will continue educating the election judges as well as training voters on the election process as well as new voting equipment. The Election Judge manual includes information on assisting voters with disabilities. This portion suggests common courtesies and guidelines for the election judges in assisting voters. In addition, the SBE distributed to all election authorities a disability etiquette booklet published by the Eastern Paralyzed Veterans Association. This booklet provides tips on interacting with people with disabilities.

In addition to the one accessible voting system in every polling place, the all 110 election jurisdictions are now using a voting system that does not use punch card equipment. These systems meet HAVA requirements in that they 1) permit the voter to verify their vote before the ballot is cast and counted, 2) provide the voter with the opportunity to change the ballot before it is cast and counted, and 3) provide notice to the voter of an overvote with an opportunity to correct the ballot before it is cast and counted. All jurisdictions will have equipment that meets the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election commission.

All voting systems currently produce a permanent paper record. PA 93-0574 also requires a permanent paper record on the DRE's.

Pursuant to Public Act 93-0574, the State Board of Elections, in evaluating the feasibility of any new voting system, shall seek and accept public comment from persons of the disabled community, including but not limited to organizations of the blind.

Illinois applied for and received the Election Assistance for Individuals for Disabilities grants for FY 03, FY 04 and FY 05. These three grants together amounted to $1,227,320. Section 101 monies in the amount of $1,500,000 were allocated to the election jurisdictions to further enable them to make polling places accessible. Election authorities will continue to audit polling places on a regular basis to ascertain if they meet accessibility standards and also publish the polling places that are accessible. Illinois will strive to have all polling places 100% accessible. This should include the ability for a voter with a disability to voter privately and independently in the polling place. The Board will encourage the election authorities to utilize federal funds available for this purpose and consider recommendations from the disabled community and advocates.

Section 302 Provisional Voting and Voting Information Requirements

Public Act 93-0574 provided statutory language authorizing provisional voting in Illinois. All provisional voting requirements for this provision are now met. Election authorities shall continue to train election judges on implementing this new provision. As provided in Section 302(a)(5)(3), the State Board of Elections, continues to provide a toll free telephone number for election authorities to utilize for voters who cast provisional ballots to access to discover whether his or her vote was counted. The SBE also provides for a system which allows a voter to access the SBE website with an access code to determine if their vote was counted. The majority of the jurisdictions utilized this system at the March 2006 election. Illinois law also allows for provisional voting if the polls remain open after closing time due to a Federal or State court order.

All election jurisdictions were notified of the requirement for posting Voting Information Requirements in each polling place on the day of each election for Federal office.

The revised voter registration form includes instructions for mail-in registrants and first time voters. An Administrative Complaint procedure is in place that allows individuals who feel their rights have been violated to seek recourse.

Section 303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register By Mail.

Illinois continues work on the single, uniform, official centralized statewide voter registration database. Legislation was passed in the Spring of 2005 that limits the spending authority for the database to an amount of $8,650,000. This legislation also prohibits the electronic transfer of voter registrations from the Secretary of State to the State Board of Elections. We have coordinated with the Department of Public Health and Department of Corrections for the transfer of deaths and felons via electronic means. Illinois has entered into a contract with Catalyst Consulting to perform technical upgrades and to continue work to bring the statewide database into full compliance with HAVA.

The revised voter registration form allows for the applicant's driver's license number or, if no driver's license, the last 4 digits of the applicant's social security number or their full Secretary of State ID number Measures will be provided for in determining the validity of the numbers provided once the statewide voter registration database is complete.

The HAVA requirement that every legally registered voter in the State be assigned a unique identifier will be provided for when the statewide voter registration database is complete.

The State Board of Elections and the Office of the Secretary of State have entered into an agreement for the sharing of information in the databases. The Secretary of State's office has entered into an agreement with the Social Security office as required by HAVA.

Illinois law (10 ILCS 5/1A-16) now provides for all requirements for a person who has registered by mail. Although under the provisions of NVRA, Illinois does not permit first-time mail registrants to vote absentee by mail. Once the database is in place we will meet the requirement to match the information submitted on a mail registration with the existing identification number.

Section 402. Establishment of State-based Administrative Complaint Procedures to Remedy Grievances.

The State Board of Elections has adopted a state-based administrative complaint procedure with the adoption of Administrative Complaint Procedures and Remedy Grievance Rules and Regulations.

Section 3. Voter Education Programs

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.

I. Voter Education

Voter education is essential to any plan for election reform. The purpose of the voter education program must be to increase voter familiarity with the requirements to register to vote, the type of voting equipment utilized and to inform voters of their rights and responsibilities at the polling place. Voter education should also help to increase voter interest in the election, help attract poll workers, and decrease the voter error rate.

The voter education program will address all aspects of the voting public with specific emphasis in reaching senior citizens, young adults, minority voters, and voters with disabilities. It will include both pre-election and election day strategies including how to register to vote, how to locate polling places, how to cast a ballot, and voters rights in the polling place.

Pre-election strategies include public service announcements in television and radio format, electronic forms of voter education, community partnerships with outreach organizations, demonstrations of the voting equipment at venues throughout the election jurisdiction, and programs geared toward use in the classroom. The State Board of Elections has and will continue to seek participation from other state agencies. The State Board of Elections will seek assistance from the Department of Rehabilitation Services, Department of Aging and Department of Human Services in providing educational materials to clients of those departments.

Pre-election day strategies include demonstrations of the voting equipment. Election day strategies include having informational posters available in polling places, and printed information regarding voting equipment usage provided in the polling place. We encourage election authorities to request vendors to provide to each registered household in that jurisdiction a guide explaining operation of their particular voting equipment. The State Board of Elections will continue to enhance its voter education material already on its website and we encourage election authorities to do the same.

The State Board of Elections will develop voter education programs in partnership with all stakeholders, including local election authorities, community representatives, and advocacy organizations. As the Secretary of State, Division of Motor Vehicles, registers many voters, information should be provided at these sites educating voters as they register.

II. Election Administrator Training

The State Board of Elections has prepared and will continue to update a Guide for Election Authorities to ensure that there is adequate knowledge of the state election laws and the implementation of these laws at the local level.

The State Board of Elections will work in conjunction with both the County Clerks Association and the Association of Election Commission Officials to facilitate an education and training program for their members. This program should include a framework for providing practical learning experiences in the administration of elections. It must also include requirements of HAVA to ensure uniform implementation throughout the state.

III. Poll Worker Training

The State Board of Elections will establish uniform requirements for poll worker training throughout the state and will oversee the implementation of this training. The local election authority should be responsible for conducting most of the training programs to ensure the unique aspects of the election in each jurisdiction are clearly explained to the poll worker. The compensation for attending election day training should be increased to encourage poll workers to attend this important learning program.

Audio-visual aids will be used for the training program. As part of the training, the program will include a portion on sensitivity for voters with disabilities. The State Board of Elections recommends election authorities involve the disabled community and advocates in their poll worker training to achieve a more comprehensive understanding of accessible voting. In establishing a uniform training program for poll workers, the State Board of Elections will serve as the liaison among all election authorities within the state to ensure participation in the training development and coordination of the information. In implementing this training program, the State Board of Elections will provide a training plan to the local election authority and will assist, where necessary, in the execution of the training. Training manuals will include, but not be limited to, information about the nature of various disabilities, the rights of voters, access to and maneuverability within polling places and the use of machines and ballots.

Section 4. Voting Systems Guidelines and Processes

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

Illinois adopted procedures in 1978 that allows no voting system to be used in the state unless approved for use by the State Board of Elections in accordance with rules set forth. The requirements for approval are found in the Illinois Election Code, 10 ILCS 5/24A-16, 24B-16, and 24C-16 as well as in State Board of Elections Rules and Regulations, 26 Illinois Administrative Code, Chapter 1, Section 204.10 - 204.180.

Below is a summary of voting systems currently in use in Illinois.

System	# of Election Jurisdictions	Current # of Precincts	In-Precinct Counting
Optech Insight	2	4,990	Yes
Accu-vote Optical Scan	63	3,375	Yes
Optical Scan M100	39	2,621	Yes
E-Slate	3	369	Yes
Marksense Optech IV-C	2	60	No
Digital Paper Ballot System	1	232	Yes

Accessible Voting System	# of Election Jurisdictions	Current # of Precincts	In-Precinct Counting
AVC Edge	2	4,990	Yes
Accu-vote TSX	60	3,219	Yes
AutoMARK	42	2,837	Yes
E-Slate	3	369	Yes
Digital Paper Ballot System	1	232	Yes

Total number of precincts at the March 21, 2006 primary election – 11,647
Two jurisdictions continued to use the Marksense Optech IV-C at the March 2006 primary election. The jurisdictions were informed that if the central count optical scan system was to be used, the election authority must provide a strong voter education program. Both jurisdictions have indicated their intention to move to the Optical Scan M-100 and will do so prior to the November 2006 general election.

As required in PA 93-0574 the State Board of Elections, in evaluating the feasibility of any new voting system, will accept public comment from persons in the disabled community.

DISBURSEMENTS OF SECTION 101 AND 102 MONIES

	Federal Appropriation To All States	Federal Appropriation To Illinois	Expended In Illinois (as of 4/1/06)
Section 101	$349,182,262	$11,129,030	$6,365,075
For discretionary use by jurisdictions to provide for: election administration improvements and polling place accessibility			$3,897,941
Computerized statewide voter registration database and related costs (does NOT include costs paid through State 'maintenance of effort' funds)			$1,209,561
Sub-Grants to Secretary of State			$1,213,080
Toll free telephone hotline			$ 1,006
Development of State Plan			$ 4,399
Misc expenses relating to HAVA implementation			$ 39,088
Section 102	$300,317,738	$33,805,617	$33,669,569
Punch card buyout - $3,192.22 per precinct			$33,669,569

Section 251 - Requirements Payments (federal fiscal years)					
FY03 Federal Authorized Funds	FY 03 Federal Appropriation Illinois share	FY04 Federal Authorized Funds	FY 04 Federal Appropriation Illinois share	FY 05 Federal Authorized Funds	FY 05 Federal Appropriation Illinois share
$1.4 billion	$830,000,000 ---------- $35,283,025	$1 billion	$1,489,360,620 ---------- $63,312,227 $63,309,068 *(actual rec'd)	$600,000,000	Nothing appropriated
FY03 expended funds (as of 4/1/06)	$35,283,025	FY04 expended funds (as of 4/1/06)	$7,735,816	FY05 expended funds (as of 4/1/06)	$

SECTION 251 MONIES

The State Board of Elections has received the required 5% state match in the FY05 budget request (to meet the requirement for both federal fiscal year FY03 and FY04). The amount received was $5 million which was spent on accessible voting equipment. Section 251 monies spent to date on upgrading voting equipment to meet error rates under section 3.2.1 of the voting systems standards, accessible voting equipment and to meet Title III Requirements.

SECTION 254(A)(7) - DISBURSEMENTS (STATE FUNDS)

Section 254(a)(7)- Maintenance of Effort Requirement (State funds)(state fiscal years)					
FY04 Appropriated Funds	FY 04 Expended	FY05 Appropriated Funds	FY 05 Expended (as of 4/1/06)	FY 06 Appropriated Funds	FY 06 Expended (as of 4/1/06)
$550,000	$545,954	$550,000	$403,104	$550,000	$274,720

SECTION 261 - DISBURSEMENTS

Section 261 - Health & Human Services Payments - Access Disability Grants (federal fiscal years)					
FY03 Federal Authorized Funds	**FY 03 Federal Appropriation Illinois share**	**FY04 Federal Authorized Funds**	**FY 04 Federal Appropriation Illinois share**	**FY 05 Federal Authorized Funds**	**FY 05 Federal Appropriation Illinois share**
$50,000,000	$13,000,000 ---------- $511,102	$25,000,000	$9,941,000 ---------- $359,062	$25,000,000	$9,919,338 ---------- $357,156
FY03 expended funds	$511,102	**FY04 expended funds (as of 4/1/06)**	$359,062	**FY05 expended funds (as of 4/1/06)**	$172,178

The State Board of Elections is in the process of distributing the HHS grant money through an application process. It is being distributed using a voting age population formula for each jurisdiction. Should a jurisdiction not request any of the money, it will then be redistributed to the jurisdictions.

Section 7. Maintenance of Effort

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.

In FY00, Illinois had an appropriation of $550,000 for the uniform registration formatting project (now called the statewide voter registration system project). This amount was appropriated in the FY04, FY 05 and FY 06 budget, and has again been appropriated in the FY07 budget.

We intend to use the money to continue development of the Statewide Voter Registration Database along with other qualifying expenses as dictated by the mandates of HAVA.

Section 8. 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.

A review of applicable State Laws and Administrative Codes will be undertaken to determine any changes necessary to accomplish the goals of the Help America Vote Act and to ensure compliance through reporting by Election Authorities. The State Board of Elections will revise any existing reporting procedures to include measures of performance for requirements under the Act.

Requirement	Time Frame	Goal	Measures
Punch Card Buyout	Jan 1, 2006 (waiver approved)	Replace systems in 10,590 eligible precincts	SBE maintains a database of voting systems used by each county, which will be expanded to include critical elements.
Accessible voting machine	Jan 1, 2006	Equipment which allows a disabled voter to vote unassisted in each polling place	Criteria for accessibility certification will be developed to track compliance.
Polling place accessibility	Nov 2006	Provide accessible polling places for each precinct	Election Authorities report polling place accessibility to SBE through surveys. A more precise survey will be devised to insure compliance.
Provisional ballot (Procedures provided for by PA 93-0574)	Jan 2004	Develop procedures for voting and processing ballots Develop system to inform voter of outcome	Provisional ballots must be tracked for the purposes of adding to final canvass and reporting to provisional voter.
Definition of vote (Complete - SB428)	Jan 2004	Provide standards for recount procedures	A means of reporting election contests will be developed.

Requirement	Time Frame	Goal	Measures
State-wide voter registration system	Early 2008 System in use but not fully HAVA compliant	Provide means for uploading voter information from counties to state-wide database	Ratio of counties with equipment and procedures in place to upload information
Grievance procedure	Admin. Complaint Procedure adoption in place	Provide a means of receiving, reporting and resolving complaints from voters	Track complaints and resolutions through an annual report.
Education and Training	Jan 2004	Provide voter education and enhanced election judges training.	Report voter education through election authority surveys. Election Authorities currently report the # of Election Judges who have tested for each election.

The State Board of Elections will assist election authorities to develop standard reports and procedures to measure critical areas of each requirement: scope, schedule, and resources. Reporting requirements will assist SBE in collecting data to report on performance.

- SCOPE: Measure size of project (# of precincts, registered voters, polling places, etc)
- SCHEDULE: Target start and stop dates, actual start stop dates, periodic review of progress (% completed)
- RESOURCES: Measure personnel and existing resources committed to each project as well as financial resources needed to complete the project.

Section 9. State-Based Administrative Complaint Procedures

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

Section 402 of HAVA requires the State to create a state-based administrative complaint procedure to assure compliance with Title III of HAVA. The Illinois State Board of Elections developed administrative rules that allows any person who believes there is, has been, or is about to be a violation of Title III of HAVA to file a complaint.

The complaint must be in writing, sworn and notarized. At the complainant's request, there will be a hearing on the record. If the State finds a violation, it will provide an appropriate remedy. If the State determines a violation has not occurred, the complaint will be dismissed and the results will be published. The State will make a final determination on a complaint within 90 days, unless the complainant consents to a longer period for making such a determination.

The 90-day period begins on the date the complaint is filed. If the State cannot meet this 90-day deadline, the complaint will be resolved within 60 days under an alternative dispute resolution procedure. This 60-day period for resolving a complaint under an alternative dispute resolution process begins after the 90-day period expires. The record and other materials from any proceedings conducted under the complaint procedures shall be made available for use under the alternative dispute resolution procedures. All procedures will be administered in a uniform and nondiscriminatory manner.

The State Board of Elections has adopted a state-based administrative complaint procedure with the adoption of Administrative Complaint Procedures and Remedy Grievance Rules and Regulations.

Section 10. Effect of Title I Payments

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.

Illinois has received $44,934,647 which was electronically deposited in the state HAVA account.

Title I money (Section 101 – payments to states to improve administration of elections) received are being used to comply with the requirements under Title III including:

1) the completion of a statewide voter registration system as provided in section 303 of the Act;
2) educating voters concerning voting procedures, voting rights, voting technology
3) training of election officials, poll workers and election volunteers
4) preparation of the state plan
5) providing toll free number for election jurisdictions to provide access for provisional voters to determine if their votes were counted or SBE website access for provisional voter to access for determination
6) establishing an administrative complaint procedure to remedy grievances as well as provide for a toll free number for voters to use to report possible voting fraud and voting rights violations
7) improving the accessibility of polling places.

Title I money (Section 102) was used to replace punch card machines in 10,590 precincts. The punch card buyout task force recommended that punch card buyout funds be distributed to each eligible local election jurisdiction based upon the number of precincts in that jurisdiction that used punch cards for the November 2000 election. All 97 eligible jurisdictions requested the funds to replace their existing punch card voting equipment.

The amount of funding received did not cover the full costs of changing voting systems in each jurisdiction.

Section 12. Changes to 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.

Illinois' election jurisdictions continue to utilize Title I, Section 101 funds made available to them to better the administration of the electoral process. All eligible jurisdictions requested Section 102 money to replace punch card voting machines.

Illinois continues to disperse Health and Human Services funds to the jurisdictions to provide for polling place accessibility improvements. Illinois will continue to provide for voters with disabilities as more HAVA funds become available.

Illinois received $98,592,093 of Title II Requirements funds in March 2005. The State Board of Elections certified five accessible voting equipment systems for use in Illinois. An amount of $58,705,000 was allocated to the jurisdictions for the purchase of accessible voting equipment. Funds have also been made available to all election jurisdictions through an application process for the purposes of meeting the requirements found in Title III of HAVA.

Illinois continues work on the computerized state voter registration system to bring it into full compliance with the Help America Vote Act.

Section 13. State Planning Committee

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

The first state plan was developed through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other election officials, stakeholders (such as representatives of groups of individuals with disabilities) and other citizens, as well as the Chief State Election Official. This year's state plan was updated by SBE staff and distributed to all member of the State Planning Committee as formed in 2003.

Comments from the Committee will be taken into account before the Plan is submitted to the Board for approval on May 22. The draft State plan will be available on the Board's website and published for public comment for 30 days. If, following the public comment period, it is necessary, an amended state plan will be submitted to the Board on June 12 for final approval and then eventual submission to the Election Assistance Commission for posting in the Federal Register. The full committee may meet again as necessary.

Daniel W. White, Executive Director, Illinois State Board of Elections,

Members of the State Planning Committee are:

Matt Abrahamson, Dept. of Rehabilitation Services
Paul Anderson, Kendall County Clerk
Joel Baise, House Republican Staff
Steve Bean, Macon County Clerk
Tom Benzinger, Access Living
Derek Blaida, City of Chicago
Bill Blessman, Mason County Clerk
Bernice Bloom, Citizen
Hollister Bundy, Inclusion Solutions, Inc.
Ray Campbell, Illinois Council of the Blind
Cynthia Canary, Illinois Campaign for Political Reform
Rance Carpenter, Department of Aging
Bruce Clark, Kankakee County Clerk
Linda Crotchett, Jersey County Clerk
Laurie Dittman, Chicago Mayor's Office for People with Disabilities
Bill Dunn, Citizen
Dave Eldridge, Office of the House Speaker Michael Madigan
Krista Erickson, Lake County Center for Independent Living
Alan Gitelson, Professor of Political Science, Loyola University - Chicago
Lance Gough, Chicago Board of Election Commissioners
Debbie Grant, Springfield Branch NAACP
Barb Gross, Morgan County Clerk
Harvey Grossman, ACLU

Steve Handschu, National Federation of the Blind of Illinois
Tom Hanson, Mercer County Clerk
Sharon Holmes, DeKalb County Clerk
Jo Holzer, Council for Disability Rights
Bill Houlihan, Office of Senator Richard Durbin
Roger Huebner, General Counsel, IL Municipal League
Pat Hughes, Inclusion Solutions, Inc.
Becky Huntley, Ogle County Clerk
John Jackson, Public Policy Institute, Southern Illinois University – Carbondale
Amanda Jacobs, Illinois Republican Party
Robin Jones, Great Lakes DPTAC
Mike Kasper, Illinois Democratic Party
Jan Kralovec, Office of Cook County Clerk
League of Women Voters
James Lewis, East St. Louis Board of Election Commissioners
Bill Looby, AFL/CIO
Bill Luking, Attorney
Rene Luna, Access Living
Todd Maisch, IL Chamber of Commerce
Peggy Ann Milton, McLean County Clerk
Saul Morse, Illinois State Medical Society
Peg Mosgers, Office of Senate Republican Leader Frank Watson
Zena Naiditch, Equip for Equality, Inc.
Doreen Nelson, DuPage County Election Commission
Sara Nelson, Office of U.S. Senator Richard Durbin
David Orr, Cook County Clerk
Pat Plotner, former SBE employee
Gail Poundstone, Illinois Coalition on Aging
Kent Redfield, Department of Political Science, University of Illinois - Springfield
Larry Reinhardt, Jackson County Clerk
Randy Reitz, Bond County Clerk
Steve Rotello, Office of the Attorney General
Bob Saar, Executive Director, DuPage County Election Commission
Cynthia Saputo, Office of Republican House Leader Representative
Mary Ann Scanlan, Office of the Secretary of State
Kathie Schultz, McHenry County Clerk
Nancy Strain, Executive Director, Rockford Board of Election Commissioners
Jeff Trigg, Executive Director - Libertarian Party of Illinois
Maria Valdez, MALDEF
Mark Von Nida, Madison County Clerk
Karen Ward, Equip for Equality
Vickie Wilson, Coalition of Citizens with Disabilities
Carol Wozniewski, Mental Health Association Illinois
Ralph Yaniz, American Association of Retired Persons
Karen Zaiz, IL Network of Centers for Independent Living
Al Zimmer, former State Board of Elections employee
Jill Zwick, Office of Secretary of State

SECRETARY OF STATE
STATE OF INDIANA

Todd Rokita
Secretary of State

May 24, 2006

Commissioner Paul DeGregorio, Chair
United States Election Assistance Commission
1225 New York Avenue N.W., Suite 1100
Washington, DC 20005

Dear Chairman DeGregorio;

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 reflect amendments made to the Indiana State Plan for Implementing the Help America Vote Act of 2002. These new pages, together with non-substantive changes that were made by the tri-partisan Vote Indiana Team, will constitute the Indiana HAVA State Plan.

Throughout the amended document, references to future activities and tasks encompassing Indiana's implementation of HAVA have been changed to reflect the completion or level of completion of these important implementation features. Additionally, certain changes in Indiana election law has led the Vote Indiana Team to add these changes to the State's HAVA outreach, training, and education initiatives. Finally, some original members of the Vote Indiana Team have been replaced by new members and the structure of the Vote Indiana Team increased by two members. These and other non-substantive changes can be found throughout every section of the Indiana State Plan. After consulting with EAC Staff, the State has elected not to include those changes for publication in the *Federal Register*. Instead, the State would direct the EAC and members of the public to the Indiana Secretary of State's website (www.in.gov/sos/elections/vit) to view and copy the complete Indiana State Plan as the Vote Indiana Team has amended it.

Substantive changes to the Indiana State Plan can be attributed to the unanticipated, but greatly appreciated FY2005 Title II requirements funds appropriation by Congress and distribution by the EAC. The original version of the Indiana State Plan conservatively predicted a smaller amount of funding. Therefore, these additional funds have been placed into a strategic reserve that may be used for any HAVA implementation efforts including but not limited to, 1) voting machine purchases, 2) Statewide Voter Registration System implementation, 3) outreach, training, and education initiatives, and 4) election accessibility improvements. These budgetary sections have been included for publication in the *Federal Register*.

The 2005 Amendments to the Indiana 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 Indiana, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Indiana and the country.

Sincerely,

Todd Rokita

Todd Rokita
Indiana Secretary of State

The State House, Indianapolis, Indiana 46204, (317) 232-6531, FAX (317) 233-3283

Dear Indiana citizens:

The Help America Vote Act of 2002 (HAVA) is the most significant federal voting reform measure since the Voting Rights Act of 1965. In Indiana, we have been working **since 2001** on many of the reforms now required by HAVA.

In February of 2003, I convened the Vote Indiana Team, a diverse group of 28 Hoosiers, to help create the blueprint for our elections for the next five years and beyond. The Vote Indiana Team members come from across the state and represent three political parties, the state legislature, minority groups, military voters, people with disabilities, county election and voter registration officials, and the media.

The Vote Indiana Team met **in 2003** over a six-month period as a full group and in smaller working groups to address specific issues and draft a comprehensive election reform plan for Indiana that implements the requirements of HAVA. After five meetings of the Vote Indiana Team as a whole and twenty-four sub-group meetings, the Indiana State Plan **was adopted.**

I reconvened the Vote Indiana Team on June 23, 2005 to begin the process of amending the State Plan to reflect Indiana's progress in implementing HAVA and to equip ourselves to successfully complete the implementation of several HAVA requirements by January 1, 2006. At that meeting, Vote Indiana Team members and members of the public were offered an opportunity to provide specific suggestions concerning possible amendments to the Plan.

In accordance with the procedures set forth in Section 11 of the Indiana State Plan, I am proposing the changes to the Plan set forth in this document to the Vote Indiana Team for their consideration and for public comment. A copy of the document setting forth these proposed changes will be made available on the web at www.sos.IN.gov **beginning July 19, 2005.**

The public comment period concerning these proposed changes will close at 5:00 p.m., Indianapolis time, on August 18, 2005. Any comments you have regarding the proposed changes must be received no later than that date and time.

Please submit any comments to the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or by email to VoteIndianaTeam@sos.in.gov**. Public comment on the proposed changes may also be left at 317-234-VOTE or at the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments may be faxed to the Vote Indiana Team at 317-233-3283.**

You are welcome to submit general comments concerning these proposed Plan changes. However, any proposed amendment to the proposed Plan changes you wish to suggest must set forth specific language you are asking the Vote Indiana Team to consider.

Hoosier voters **have already seen significant changes at their polls since the State Plan was originally adopted in 2003, and** the **voters will continue to** see **significant changes** at the polls over the next **several** years. Indiana **has replaced all of the lever voting machines formerly**

used in some of our largest counties. We will continue replacing the punch card voting systems still in use in eight Indiana counties. An accessible voting machine will be placed in every voting location in Indiana. The creation of a statewide voter registration database will allow election officials in every county to communicate with each other as well as with officials from the Indiana Bureau of Motor Vehicles and the Departments of Health and Correction. The statewide voter registration system will ensure every voter is registered at the proper location and only the proper location.

These improvements, along with other advances in technology, will help ensure the voting rights of all Hoosiers are protected and will position Indiana as a nationwide model for election success and reliability.

None of these changes would be possible without the cooperation, coordination and continued hard work of Indiana's county clerks, election board members, and voter registration officials. I also want to thank both current and former Vote Indiana Team members for their generous time and effort in putting forth the original Plan and in reviewing the proposed Plan amendments.

I look forward to continuing to serve you as Indiana's chief election official and as Secretary of State. I am committed to making sure Indiana's elections are efficient, accurate and fair.

Yours truly,

Todd Rokita
Indiana Secretary of State

In Indiana, even before HAVA passed, the Election Division acted to encourage all counties to submit applications for voting system reimbursement under the 2001 Indiana law. The Election Division advised clerks that while Congress and the state legislature were considering new laws that could change the amount and eligibility requirements for reimbursement, the county should act now to indicate its interest and to protect its eligibility. Some 72 of 92 counties followed that advice, and filed applications by the January 2003 deadline under state law.

In its 2003 session, the General Assembly passed a comprehensive bill to begin implementing HAVA in Indiana (Senate Enrolled Act 268). This new legislation **provided** an option to expand the availability of voting system reimbursement to counties that purchased a new voting system or upgrade between January 1998 and July 2001. However, Indiana law is still subject to the limits placed on its use of the federal money by HAVA.

In 2002, Indiana issued **an initial** Quantity Purchase Agreement (QPA) with four voting systems vendors whose optical scan or direct record electronic (DRE) voting systems were previously certified by the Indiana Election Commission. **This original QPA was for a one year term, subject to renewal. However, since no vendor requested renewal before that QPA expired, the State has subsequently entered into a separate QPA for each specific voting system model following the certification of that voting system by the Indiana Election Commission.** Replacement of **lever machines in all Indiana counties is complete. Replacement of the remaining** punch card **ballot card voting systems** used in **Indiana's counties is under way. As a result of these voting system upgrades, the percentage of Indiana voters using lever or punch card systems has been cut from 26% to 8.5% as of July 2005.**

To protect Hoosier taxpayers and the counties which have already replaced their lever and punch card systems to comply with HAVA, the Indiana General Assembly passed Public Law 221-2005. SECTION 147 of this law, which took effect May 11, 2005, requires the county commissioners of all counties with punch card voting systems to enter into a contract with a vendor before July 1, 2005 to purchase a state certified voting system that meets HAVA requirements. This contract must also require delivery of the new voting system to the county no later than December 31, 2005. If a county fails to sign a contract by the deadline, Public Law 221-2005 permits the Secretary of State to purchase an Indiana certified voting system for those counties.

To help reduce the costs of any particular system, the Indiana Department of Administration (IDOA) **has issued other QPAs with specific voting system vendors** to facilitate the replacement of the remaining punch card and lever machines and the implementation of one accessible **voting system** per polling place. All certified voting system vendors will be eligible to enter into **QPAs** with IDOA. The Team recommends each QPA contain provisions permitting volume discounts for voting system purchases and multi-county purchasing arrangements through intergovernmental agreements or other methods permitted by state law.

The team also recommends that the two following specifications be added to the QPA: (1) A vendor can only enter into the QPA if the vendor agrees not to charge a county interest during the period in which the county is waiting for reimbursement from the state, and (2) the vendor shall share the system's training video with the state. The team urges that the procurement

process for voting systems adhere to minority business enterprises and women owned business enterprises requirements.

Public Law 209-2003 prohibits the use of lever machines and punch card systems in Indiana elections after December 31, 2005. Like most states, Indiana **sought and was granted a** waiver **to extend HAVA's original deadline for replacement of** all punch card and lever voting systems **from 2004 until January 1, 2006.**

Under the system set up by P.L. 209-2003, funds **have been** released in the following manner: each county seeking reimbursement applies to the Indiana Election Division, an agency of the executive branch. The Secretary of State and Indiana Election Division personnel review the applications and certifications regarding polling place accessibility. The Secretary of State and Indiana Election Division recommend disbursement of funds to the Budget Committee, a bipartisan body consisting of state legislators and the state budget director. The Budget Committee is statutorily required to review these recommendations. Disbursements will be made to the counties on the approval of the State Budget Agency, an executive branch agency, after review by the Budget Committee and subject to fund availability.

As of July 2005, 55 counties have received or have been approved to receive a total of $21.7 million in reimbursements for upgraded voting systems. 51 Indiana counties have accessible voting equipment to meet HAVA requirements. lonely eight counties need to replace punch card voting systems.

The elimination of punch card and lever machines, along with the implementation of accessible machines, will require the use of Sections 101, 102, Title III, and state matching funds.

B. Statewide Voter Registration System

No later than January 1, 2006, the Indiana statewide voter registration system **(SVRS)** will be online in all 92 Indiana counties. **This** will allow the creation and maintenance of a more accurate list of persons legally authorized to vote in Indiana. In addition to using the system for voter registration, Indiana plans to use this single, centrally administered system to assist the Secretary of State in providing all Indiana voters access to a free web-based or phone-based information system that indicates where a voter's polling place is located and confirms a voter's registration record.

A consultant and steering committee, consisting of **Team** members, **direct impact agencies (Indiana Bureau of Motor Vehicles, Indiana Department of Health, and the Indiana Department of Correction),** and representatives from the clerks' and voter registration officials' association, **is assisting** in the implementation of **SVRS, along with ten "pilot counties" who volunteered to assist with the early phases of system rollout .**

The State has entered into a contract with a vendor, **Quest Information Systems, Inc., for the implementation of SVRS. Per the Team's recommendation,** the procurement process for the consultant and the statewide voting registration system **adhered** to minority business enterprises and women owned business enterprises requirements.

The continuous maintenance of the statewide voter registration system will require a well-coordinated interaction between county officials and state officials. Each county voter registration office, the Indiana Election Division, and the Secretary of State will have immediate electronic access to the information contained in the computerized list.

Under the SVRS, the county voter registration office may change only data related to the voters registered in that respective county. **The** county voter registration office must electronically enter all voter registration information obtained by the county voter registration office into the computerized list on an "expedited basis." **"Expedited basis" is defined by Indiana law as "...processing of a voter registration application...a cancellation of a voter registration application... a transfer of a voter registration application; or... another document that creates or amends the voter registration of an individual...not later than 48 hours after the document is received by a county voter registration office or an agency... required to transmit voter registration documents to a county voter registration office" (Ind. Code 3-5-2-23.2).**

The county voter registration office shall perform list maintenance with respect to the computerized list on a regular basis. The Indiana Election Division shall coordinate the computerized list with the Indiana Department of Correction records so the county voter registration office can cancel the registration records of disfranchised individuals on an expedited basis. The Indiana Election Division shall also coordinate the computerized list with the Indiana State Department of Health so the county voter registration office can cancel the registration records of deceased individuals on an expedited basis.

The Secretary of State, the Co-Directors of the Indiana Election Division, and the Bureau of Motor Vehicles Commission shall enter into an agreement to match information in the computerized list database with information in the database of the Bureau of Motor Vehicles Commission to enable the Indiana Election Division and the commission to verify the accuracy of the information provided on voter registration applications. This link will also serve as the access point for the Indiana Election Division to obtain and verify certain information from the Social Security Administration in accordance with HAVA. Indiana statute defines a unique identifier which will be assigned to each individual by the Indiana Election Division; this will assist in maintaining the accuracy of the statewide voter registration system.

C. First-time Mail-in Registrant Requirements

HAVA requires certain first-time mail-in registrants to provide identification. The type of identification that shall be provided includes the following: (1) a current and valid photo identification, or (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

Exceptions: Voters exempt from these requirements include those entitled to vote by absentee ballot or other than in person under the Uniformed and Overseas Citizens Absentee Voting Act and the Voting Accessibility for the Elderly and Handicapped Act.

County voter registration offices **were** required by Public Law 209-2003 to identify the first-time mail-in registrants required to provide this additional documentation, and to mail a notice to

these voters no later than March 1, 2004 requesting a copy of these documents. As a result, the county voter registration offices **attempted** to secure the required documentation from as many of these voters as possible before the May 2004 primary.

When a county voter registration office is able to use the SVRS to match a voter identification number (Indiana driver's license or last four digits of the voter's Social Security number), name, and date of birth, as submitted on a voter's registration application, with data provided by the BMV or federal Social Security Administration, the number of first-time mail-in voters required under HAVA to provide additional documentation should be reduced.

The General Assembly also enacted legislation in 2005 to require a voter (with certain exceptions) to produce photo identification before casting a regular official ballot. (Public Law 109-2005, SEA 483). Poll worker training and voter education regarding both of these identification requirements are discussed in Section 3 (page 18) of the Plan.

D. Provisional Balloting

A **state level** free access system will be established upon the completion of **SVRS** to provide a voter information as to whether **that voter's** provisional ballot was counted; if the ballot was not counted, information as to the reason will be available. **Before the SVRS becomes operational,** county election boards will make this information available to any voter upon inquiry by the voter. The county election boards shall maintain reasonable procedures to protect the security, confidentiality and personal information relating to a provisional voter.

E. Statewide Grievance Procedure

Indiana legislation **establishes** a statewide grievance procedure to comply with the HAVA requirement that a state based administrative complaint procedure be in place. Title III funds will be used to establish this process which is explained in detail in section 9 (page **50**) of this plan.

F. Training and Education

The Secretary of State, through the Indiana Election Division, intends to expand upon the current training and educational opportunities for poll workers and voters, which are explained in detail in Section 3 (page 18) of this plan.

Public Law 230-2005 (SEA 341) states the Indiana Secretary of State shall administer a certified election worker program which must consist of courses that cover several aspects of election administration, including the duties of precinct election officers, the laws and procedures governing the operation of voting systems, and effective communications and problem solving techniques. An election worker's certification expires January 1 of the fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.

An election official and poll worker certification process will be developed and administered by the IED of the Secretary of State's office to more effectively train local election officials and poll

The **Plan's** budget **(set forth in section 6)**, sets aside $3.9 million for voter education, election official education and training, and poll worker training. The plan calls for $1.4 million of the $3.9 million to be set aside for voter education.

The Secretary of State and Indiana Election Division will prepare a training and voter education budget to provide the Vote Indiana Team. **The** Team **recognized** that significant training and voter education efforts **were required** to prepare for the 2004 election and **to** proceed before a final **training and education** budget **was completed**.

Based on the experience gained through the poll working training and voter education efforts undertaken for the 2004 election, the training and voter education budget will emphasize the production of "easy to understand" publications for the widest possible distribution to voters and on a "teach the teacher" approach in providing video and written publications for incorporation by county election boards into the county's own poll worker education process.

The establishment of the state certified poll worker program will supplement these county training efforts. Providing incentive (and recognition) for motivated poll workers to maintain and improve their skills in election administration.

Section 4

Section 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:

(4) How the state will adopt voting system guidelines and processes which are consistent with the requirements of Title III.

Indiana Code 3-11-15-13.3 sets forth voting systems guidelines and processes consistent with the Voting Systems Standards set forth in HAVA. A voting system certification expires **on October 1, 2005 or four** years after **that** date, **following** approval of the system by the Commission.

- Under Indiana law, the Indiana Election Commission must approve any model of voting system before it may be used in an election. Indiana law now requires that a voting system shall meet the Voting Standards adopted by the Federal Election Commission on April 30, 2002 to be approved by the Commission for use in Indiana.
- Under Indiana law, the Commission may not approve a voting system for use in Indiana unless the system meets the **requirements for voting systems set forth** in the Indiana Code. The **requirements** include ensuring secrecy and, in the case of a direct recording electronic voting system, preventing a voter from voting for the same candidate or for or against the same public question more than once. In cases where an optical scan ballot card system is used with a precinct tabulator, voters are alerted by the system to any overvote and provided with an opportunity to correct any overvote error. Where paper ballots or optical scan ballot card voting systems without precinct tabulators are used or absentee ballots are mailed out,

Indiana law **requires** a voter education program **be developed before 2006** to inform voters using these systems of the effect of overvoting.

- Current Indiana law establishes uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot, optical scan voting system and electronic voting system. As referenced in the landmark United States Supreme Court decision in *Bush v. Gore,* 531 U.S. 98 (2000), Indiana statutes set forth very specific standards for determining what constitutes a vote in each type of voting system that may be used.
- The Indiana Code and election manuals produced by the Indiana Election Division are both very specific on how to accurately count each vote.

Public Law 221-2005 (HEA 1407) requires the Secretary of State to establish the Voting System Technical Oversight Program. Under this Program, the State will contract for technical assistance in performing a number of tasks related to the certification of voting systems in Indiana. Based on the initial request for proposals issued by the State to implement this statute, approximately $600,000 of HAVA funds should be budgeted for the administration of this Program through July 2007.

Indiana law requires that voting systems be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county satisfies these requirements if the election board provides at least one electronic voting system or other voting system equipped for individuals with disabilities at each polling place. **In accordance with HAVA requirements,** Indiana **law provides** that each voting system (1) produce a permanent paper record with a manual audit capacity for the system and (2) provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record produced must be made available as an official record for a recount or contest conducted with respect to any election in which the voting system was used.

The Team recommends the creation of a committee comprised of voters with disabilities to assist in the certification process of voting systems and to evaluate voting systems' accessibility. **This committee could work in conjunction with the entity conducting the Voting System Technical Oversight Program to provide additional information to the Indiana Election Commission in the certification of voting systems.**

Section 5

Section 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:

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

The Indiana Election Administration Assistance Fund (hereinafter "the fund") **was established** under Public Law 209-2003.

Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:

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

- ***(a) the costs of the activities required to be carried out to meet the requirements of Title III;***
- ***(b) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and***
- ***(c) The portion of the requirements payment which will be used to carry out other activities.***

Budget:

The total federal appropriations for HAVA, **as of July 2005,** were less than the amounts **originally** authorized by the **federal** legislation.

The following table outlines the assumptions regarding federal funding that the State **has** used in creating its budget for HAVA activities. These numbers reflect the following: (1) $15,752,875 in early payments received by Indiana as of June 17, 2003 (consisting of $9,522,394 in Section 102 payments and $6,230,481 in Section 101 payments); and (2) **$48,544,987 in Title III requirement payments received by Indiana as of June, 2004.**

The Plan assumes that no additional federal HAVA funds will be received (other than Section 261 funds from the US Department of Health and Human Services).

Since full funding **was not** received **from the federal government,** Indiana may not be able to initiate HAVA mandates described in this State Plan in the time prescribed.

Indiana legislation was **enacted** to allow for **each** required state match (Public Law 224-2003, SECTION 98**; Public Law 246-2005, SECTION 3.). Two of the three state matches were appropriated within the same** ***federal*** **fiscal year (FY 2004).**

Federal Fiscal Year	*Total Federal funds*	*Indiana federal funds*	*5% match*
Early Payments	$325,000,000 (Sec. 101) $325,000,000 (Sec. 102) (appropriated)	$15.8 million	N/A
FY 2003	$810,000,000 (appropriated)	$17.3 million	$865,000
FY 2004	**$1,498,360,620 (appropriated)**	**$31.17 million**	**$1,558,641**

FY 2005	**$0.00**	**$0.00**	**$0.00**
Total	**$2,969,360,620**	**$64.27 million**	**$2,423,641**

Additional Funding: Health and Human Services grant

Section 261 of HAVA also authorizes the United States Secretary of Health and Human Services (HHS) to administer a grant program to do the following: (1) make polling places, including the path of travel, entrances, exits, and voting areas of each polling place more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence as other voters); and (2) provide individuals with disabilities and other individuals described in (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

The federal omnibus budget bill of 2003 and Indiana's Public Law 209-2003 authorize the state (through the Secretary of State, with the consent of the Indiana Election Division Co-Directors) to apply for grant funds. The funds are distributed based on each state's voting age population as a percentage of the national voting age population.

In response to applications submitted by the Secretary of State in each of three federal fiscal years, Indiana **received the following as its** share of these funds:
$251,048 **FY 2003.**
$175,350 FY 2004
$174,040 FY2005

To provide individuals with disabilities with information regarding the accessibility of polling places, the Secretary of State's office conducted a statewide survey utilizing people with disabilities as the survey takers. The Governor's Planning Council for People with Disabilities (GPCPD) coordinated the survey project, tabulated the **data,** and provided the information to the counties. **The State expended $60,000 to conduct this survey and has prepared a budget for the use of the remaining funds ($540,438).**

GPCPD also assisted local election officials with the formation of local advisory councils consisting of elderly voters, voters with disabilities, and local election officials. The local councils review the accessibility survey results and make recommendations to the county executive about making accessibility accommodations and/or moving polling places to accessible locations.

Indiana **also adopted** the following standards for polling place accessibility under Public Law 116-2003:

Distribution of Indiana's HAVA funds (This chart is based on a $66.67 million budget.)

Total money:
$66.67 million

19.5 % on **SVRS**
which equals **$13 million**
from Sec. 101, Title III requirements monies and state matching funds

5.8 % on Training and Education
which equals **$3.9 million** from Sec. 101 and Title III requirement monies.
$1.4 million will be taken from the Sec. 101 funds for Voter Education.

13% on Strategic Reserve (to meet any HAVA requirements)
which equals **$8.7 million** from Section 101 and Title III requirement monies

.07% on Administration of Grievance Procedure
which equals **$50,000** from Title III requirement monies

.7% on Administration of HAVA
which equals ***$500,000*** from Sec. 101 funds

- This will include administrative costs associated with the development and oversight of Title III programs and other administrative costs.

60% on Voting Equipment
which equals **$40.1 million** from Sec. 101, 102, Title III requirement monies and state matching funds

- Tier A = precincts (2983) that used punch card or lever in 2000
- Tier B = all other remaining precincts (2619)

Account	*Amount*	*Distribution*	*Not Allocated*
Section 101	$6,230,481 (received)	Training & Education $1,730,481 Administration $500,000 Voting Equipment $2,000,000 Strategic Reserve $2,000,000	Not Allocated $ 0
Section 102	$9,522,394 (received)	Voting Equipment $9,522,394	Not Allocated $0
Title III Requirement Monies	**$48,544,987 (received)**	Voting Equipment $26,730,481 Voter File $10,900,000 Grievance **$50,000** Training and Education 2,169,519 **Strategic Reserve $8,694,987**	Not Allocated **$0**
State Match	**$2,423,641 (received)**	Voting Equipment $1,886,408 Statewide Voter File $100,000	Not Allocated **$437,233**
Total	**$66,721,503**	**$66,284,270**	Not Allocated $133,592

A. Voting Systems

It will be necessary to use Section 101, Section 102, Title III and state matching fund monies **to comply with HAVA** voting systems **requirements.** Indiana had more than half of its voters using punch card or lever machines in November 2000.

Voting System Certification

Indiana law **currently** incorporates the 2002 FEC **voting system** standards.

The legislature has enacted the legislation recommended by the 2003 Plan to provide the following: (1) although punch card voting systems may continue to be used in Indiana elections until December 31, 2005, the existing certifications for these systems **have been** revoked so no additional marketing of the systems can occur; **and (2) to** provide for more detailed scrutiny of applications for voting system certification, a four year term for certification **has been established,** with all existing applications **expiring October 1, 2005 and** coming up for renewal during the off election year, **notwithstanding any upgrades or improvements approved during the four year term.**

Tier Structure for Voting System Reimbursement

Counties will be divided according to the following levels and definitions:

- Tier A = Qualifying Precincts under HAVA (precincts that used punch card or lever machines in the 2000 general election)
- Tier B = all remaining Indiana precincts

The state will set aside $*40.1* million to reimburse counties in the following manner:

- All counties will be eligible for reimbursement for up to $50,000 for voting system software to operate the voting systems within the county. This reimbursement will be available in any fiscal year. **If a county purchases this software for less than $50,000, but pays more per precinct for voting systems, the county may also receive an amount equal to the county's savings on software costs to pay for additional voting systems.**
- Tier A will be reimbursed up to $8,000 per precinct.
- Tier B will be reimbursed up to $4,000 per precinct.
- Tier A will be reimbursed on a first come, first served basis of federal FY 03 funds.
- Remaining precincts (those in Tier A who have not been reimbursed and Tier B) will be reimbursed on a first come, first served basis of federal FY 2004 funds.

The Team recognizes that this Plan proposes a reimbursement level for Tier A counties (up to $8,000) that exceeds HAVA's reimbursement amount for qualifying precincts using Section 102 monies ($3,192). It is the Team's intent to prioritize federal funding to alleviate as much as possible the possibility of an unfunded federal mandate while still being mindful of all of Indiana's reform obligations under HAVA.

Quantity Purchase Agreement (QPA)

The Election Division **has worked** with the Indiana Department of Administration to enter into quantity purchase agreements with each vendor of a voting system currently certified for marketing and use in Indiana. **With the expiration of these initial QPAs, the Election Division has been working with interested voting system vendors to enter into new QPAs with each of the vendors for voting systems certified for marketing and use in Indiana.**

Lease or Lease-Purchase of Voting System

State law (Indiana Code 3-11-6.5-0.7) specifically provides that an agreement to lease or lease-purchase voting system permits a county to qualify for reimbursement. The Team recognizes that

(7) the date the county entered into a contract for the purchase, lease, or lease-purchase of voting system. (An executed and attested copy of the contract or adequate evidence of a contract must be attached);

(8) whether this purchase or lease was entered into under a state quantity purchase agreement with a vendor certified to market voting systems in Indiana;

(9) a written guarantee signed by the vendor that the voting systems obtained by the county comply with all requirements of Indiana and federal law in effect as of the date of the amended application for Title III requirement monies;

(10) include a certification by the county fiscal body that the monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the application, and shall assist each county in amending any previously filed application.

In the review of applications for disbursement of Title III requirement monies and state matching funds, the State **has followed** the same procedures described in this Plan for the disbursement of Section 102 monies.

The deadline for a county to ensure a polling place complies with the accessibility requirements set forth in Indiana Code 3-11-8-6 **has been** extended to March 31, 2006 **based on the information obtained from the statewide comprehensive polling place survey described in this Plan. The March 31, 2006 date reflects the deadline for county election officials to designate polling places for the May 2006 primary. The December 31, 2003 deadline for counties to establish a local advisory council has also been extended to December 31, 2005 to encourage ongoing county efforts to obtain input from persons with disabilities.**

The following procedure applies to a county which has completed the voting system upgrades required to comply with HAVA, and received total reimbursement from all funds in an amount less than the total available to the county under the Plan: The county is entitled to receive an amount of Title III funds and State Match Funds equal to the unexpended county costs for the voting system upgrade. Funds received by the county under this procedure may only be used for to meet Title III requirements, with preference being given for county reimbursement for expenditures to ensure polling place accessibility. The county may apply for the remaining funds by submitting an amendment to its previous application for voting system reimbursement.

(10) include a certification by the county fiscal body that the monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the application, and shall assist each county in amending any previously filed application.

In the review of applications for disbursement of Section 101 monies, the State **has followed** the same procedures described in this Plan for the disbursement of Section 102 monies.

New Precincts

The Team recognizes that in certain counties, new precincts may be established before December 31, 2005 to accommodate population growth. Although a new precinct would not be a qualifying precinct for which Section 102 monies would be available, the county will be required after that date to provide a fully accessible voting system for voters with disabilities at the polling place designated for the precinct.

A county which has established a new precinct to accommodate population growth may submit an application (or amend a previously submitted application) to request additional reimbursement for purchasing voting equipment for this precinct. The County may receive reimbursement for that precinct up to the amount reimbursed for Tier B counties and upon a determination by the State that HAVA funds are available for this purpose.

General Procedures for Voting System Application Review

The Secretary of State and Election Division shall prescribe: (1) the periods during which reimbursement applications may be submitted; and (2) the content of the applications. The Secretary of State and Election Division will strive to provide counties with all available information regarding the schedule for administration of the voting system reimbursement program to enable counties to take the impact of the program into account as part of the county's process for adoption of its annual budget.

The Secretary of State and Election Division may recommend that any application be approved in whole, or in part. The recommendation may provide that action on part of an application be deferred pending further information or availability of funds, or rejected.

All recommendations regarding applications submitted during a specific application cycle may be forwarded to the State Budget Committee at one time. However, it is more likely that each application will be forwarded as soon as the recommendation for that application is complete. Likewise, the Secretary of State will strive to secure the disbursement of funds to a county as soon as possible following approval of the county's application, rather than waiting for all

The Plan budget sets aside $13 million for SVRS.

C. Training and Education

The Indiana Election Division is currently responsible for annually providing election official training to county circuit court clerks, incoming county circuit court clerks and county election board members.

Each county's maintenance of effort includes training for the poll inspector and in some instances the poll judges and clerks. Indiana law requires that inspectors be trained. The law also requires that training must include information related to making polling places and voting system accessible to elderly and disabled voters. Therefore, HAVA monies will be utilized to expand this training to include training opportunities for the poll clerks and judges. There will be additional costs associated with training voters and poll workers on new voting equipment, provisional balloting, **and photo identification requirements**, as well as the printing and posting of the Voter's Bill of Rights.

It is expected that many first time poll workers including those from secondary schools and colleges, recruited under a program authorized by HAVA, will need to be trained.

Opportunities will **continue to** be sought for coordinating training with other interested parties and advocacy groups. During the annual meetings of the Association of Indiana Counties, Indiana Association of Cities and Towns, and Association of Circuit Court Clerks, sessions will be available regarding local election administration.

The Indiana Election Division will develop training aimed at attorneys so they may qualify for continuing legal education credits (CLEs) required by the Indiana Supreme Court.

A poll worker certification program will be developed as an incentive and positive reinforcement of the poll workers' efforts. **Public Law 230-2005 (SEA 341) states the Indiana Secretary of State shall administer a certified election worker program which must consist of courses that cover several aspects of election administration, including the duties of precinct election officers, the laws and procedures governing the operation of voting systems, and effective communications and problem solving techniques. The certification expires January 1 of the fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.**

The IED will conduct additional seminars for clerks and county voter registration officials solely dedicated to new election administration issues and procedures.

The state has **not included** voter education in **its** maintenance of effort.

The **Plan** budget sets aside $3.9 million for Training and Education.

direct voter communication in the languages that are most prevalent. Currently, the Voter's Bill of Rights and the Application for Voter Registration Form are available in Spanish. As federal funds are available, the Indiana Election Division will translate more documents.

G. Administration

The proposed budget sets aside $500,000 for the administration of HAVA requirements.

H. Strategic Reserve

The proposed budget sets aside at least $2 million from Section 101 funds **and $8.7 million from Title III funds** as a strategic reserve to be used to meet any HAVA requirement if the initial amount budgeted for meeting that requirement is not sufficient. The Team also recommends that any savings achieved in other projects be reallocated to the strategic reserve to ensure that all HAVA requirements are met and to avoid any required refunding of federal HAVA dollars by the State. If these savings are derived from projects funded with monies other than Section 101 monies, strategic reserve funds may actually be present in more than one account to recognize the use restrictions imposed on each HAVA account.

The Team's future review of Indiana's HAVA compliance may then lead to the reallocation of some funds held in strategic reserve to address requirements that have not been fully met at that time. In addition, the Team recommends that any of the $2 million in Section 101 funds remaining in strategic reserve after the expenses for fulfilling HAVA requirements have been fulfilled be available for voting system reimbursement for counties which are eligible for reimbursement from the Election Administration Assistance Fund (Indiana Code 3-11-6.5), but which are not eligible for reimbursement using Title III requirement monies.

The Team recognizes that in addition to the statewide voter registration file, the HAVA requirement that each polling place be provided with a voting system that is fully accessible to a voter with disabilities may result in significant expenditures by counties to comply with this requirement. The Team views the expenditure of any necessary funds from the strategic reserve to accomplish this purpose and to prevent required refunding of federal HAVA dollars as an appropriate use of funds in the strategic reserve.

Additional resources from the Section 101 funds strategic reserve may be used to help provide additional funds for training and education initiatives derived from changes in Indiana state election law. These initiatives will include aggressive voter education efforts concerning photo identification requirements, new absentee application and balloting procedures and other legislative changes

Additional resources from the Title III funds strategic reserve may be used in voter list maintenance efforts to assist with the accuracy of data entered into or maintained in the Statewide Voter Registration System (SVRS), for the completion of the SVRS, and for other expenses related to Title III HAVA requirements.

Section 7

Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:

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

The Secretary of State will not use the requirements money to maintain the level of expenditures previously incurred by the state for election administration. For fiscal year ending June 30, 2000, the State of Indiana was not expending funds for any tasks required under Title III, including provisional ballots, documentation for first-time mail-in registrants or DREs for the disabled, except as provided below.

In 2000, counties were spending local monies on voter registration maintenance and voting system equipment.

The duplicate voter registration elimination program will no longer be utilized after 2005 under Public Law 209-2003. However, approximately $225,000 was expended to conduct this program in 1999 - 2000 to compile a statewide voter registration system and will require a maintenance of effort. **The State match of $688,880 appropriated under Public Law 246-2005 will be used to extent required for the state to meet this maintenance of effort requirement during state fiscal years 2006 and 2007.**

Section 8

Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:

(8) How the State will adopt performance goals and measures that will be used by the State to determine its 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

AL ATER
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September 11, 2006

FEDERAL EXPRESS

Honorable Paul S. DeGregorio
Chairman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite – 1100
Washington, DC 20005

Attention: Edgardo Cortes

RE: Submission of Amended State Plan – State of Louisiana

Dear Mr. DeGregorio:

The State Plan for Louisiana dated August 1, 2003 was published in the Federal Register on March 24, 2004, and it outlined Louisiana's procedures for implementing the provisions of the Help America Vote Act of 2002. It has been determined since that time that changes to the State Plan were necessary, and I reconvened the Louisiana Help America Vote Advisory Committee (Committee) for the purpose of amending the State Plan. On June 29, 2006, the Committee approved the Preliminary Amended State Plan, and the plan was made available for public inspection and comment for more than the thirty day period required by 42 USC §15406.

This correspondence will serve as the submission of the Amended State Plan for the State of Louisiana, and I would like to formally request that the United States Election Assistance Commission have the plan published in the Federal Register.

If you have any questions or need additional information, please contact Merietta Norton at (225) 922-0547. Thank you for your assistance in this matter.

With kindest regards,

Al Ater
Secretary of state

AA\msn
Enclosure: Amended State Plan

STATE OF LOUISIANA

DEPARTMENT OF STATE

HELP AMERICA VOTE ACT OF 2002
As required by Public Law 107-252

AMENDED STATE PLAN

PRESENTED TO THE UNITED STATES ELECTION ASSISTANCE COMMISSION

Al Ater
Secretary of State
September 11, 2006

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Overview of the Louisiana Election System

From 1962 to 2004, the State of Louisiana administered all elections in this state through a bifurcated system of elections management between the Louisiana Department of State (Department of State) and the Louisiana Department of Elections and Registration (Department of Elections and Registration). The Secretary of State served as the Chief Election Officer for the State of Louisiana and oversaw the preparation and certification of ballots for all elections, the promulgation of all election returns, and the administration of the election laws, except those relating to voter registration and the custody of voting machines. The Commissioner of Elections was constitutionally and statutorily charged with administering the laws relating to the custody of voting machines and voter registration. With regard to the registration of voters, the Commissioner of Elections was instructed to direct and assist the Registrars of Voters in voter registration, promulgation of rules and regulations relative to voter registration, maintenance of a statewide database of voter registration data, and coordination of Louisiana's compliance with the National Voter Registration Act of 1992 (NVRA). These two statewide officials were assisted by the local election officials, Clerks of Court and Registrars of Voters, in the conduct of all elections occurring in the State of Louisiana.

On January 12, 2004, Louisiana ended its bifurcated system of elections management at the state level by merging the Department of Elections and Registration into the Department of State. As a result, all elections and registration functions for Louisiana are now administered by the Secretary of State as the Chief Election Officer for the state.[1]

Louisiana is committed to providing accurate, efficient, and technologically advanced election systems to its constituents. Since the mid-1950s, Louisiana has conducted all Election Day voting on voting machines. The first voting machines to be introduced in Louisiana were the Shoup 2.5 lever-operated voting machines. Since that time, Louisiana has upgraded its voting equipment to include lever-operated voting machines and electronic voting systems each of which provides a printed copy of election results. In 2002, the State of Louisiana installed touchscreen electronic voting systems for use in absentee/early voting statewide and for Election Day voting in two parishes. These machines were equipped to accommodate individuals with disabilities, including those who are visually impaired, physically disabled, or have a hard time interpreting the written word.

[1] References in this plan may be made to the Secretary of State and/or Commissioner of Elections. After January 12, 2004, the responsibility for all functions of both constitutional officers lies with the Secretary of State.

The extent of Louisiana's cutting-edge election system is not limited to its voting equipment. In 1987, the Department of Elections and Registration placed the Elections and Registration Information Network (ERIN) online. ERIN is a statewide, centralized election management system. ERIN is designed to maintain voter registration records for every voter in the State of Louisiana in a central location; provide access to those voter records to authorized users in the Department of Elections and Registration and parish Registrars of Voters' offices; generate forms and reports required by the Registrars of Voters, including printing precinct registers for elections; and providing an interactive computerized accounting system for the payment of all election expenses in the state and an accounts receivable system that generates invoices to responsible parties based upon pro-rata formulas established by state law.

Between the 2000 Presidential Election and the passage of the Help America Vote Act of 2002 (HAVA), Louisiana had implemented a significant number of reforms and efficiencies that are required by HAVA. Louisiana had begun the move to more technologically advanced and accessible voting systems, begun refining its statewide centralized voter registration system, and switched from a punch card absentee voting system to a mark sense paper ballot system (referred to as "paper ballot").

The original State Plan for Louisiana was developed jointly by the Department of State and the Department of Elections and Registration in conjunction with the Louisiana Help America Vote Advisory Committee and the Governor. It detailed the plans, budget, and goals that Louisiana sought to attain in its election and voter registration process using funds authorized by HAVA within the deadlines established in the Act.

Based on activities conducted under HAVA, the Secretary of State has determined that a revised State Plan for Louisiana is necessary to outline the state's accomplishments to date, and address the remaining activities to be conducted under the requirements of HAVA.

Meeting the Requirements of HAVA

SECTION 1: How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections. (Section 254(a)(1), 42 U.S.C. §15404(a)(1))

Section 1.1 Voting System Standards (Section 301(a))

HAVA requires that each voting system used in an election for Federal office on and after January 1, 2006 shall meet the following requirements:

- Permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted.
- Provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted.
- If the voter selects votes for more than one candidate for single office: notify the voter that the voter has selected more than one candidate for a single office on the ballot; notify the voter of the effect of casting multiple votes for the office before the ballot is cast and counted; and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

HAVA further requires that all paper ballot systems meet the following requirements:

- Establish a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office and provide the voter with instructions on how to correct the ballot before it is cast and counted, including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.
- Voting system shall ensure that any notification required under Section 301 preserves the privacy of the voter and the confidentiality of the ballot.

Louisiana's HAVA Compliance

Louisiana previously had four types of voting systems in place for Election Day voting, early voting in person, and absentee voting by mail.

Prior to the implementation of a new voting system in Louisiana for Election Day voting, Louisiana conducted elections on lever-operated voting machines and electronic voting systems. Fifty of Louisiana's sixty-four parishes were equipped with the AVM-POM lever-operated voting machines (AVM-POM). Fourteen parishes were outfitted with electronic voting systems. The electronic voting systems were provided by two different vendors: twelve parishes utilized AVC Advantage Full Face DRE voting systems (AVC Advantage), manufactured by Sequoia Voting Systems, Inc., and two parishes utilized iVotronic touchscreen voting systems (iVotronics), manufactured by Elections Systems & Software.

For early voting in person, ballots were cast on the iVotronic voting system. When the request for proposal process for a new HAVA compliant voting system was completed, it was recommended by the review committee and approved by the Secretary of State to replace the iVotronic voting system with the AVC Edge voting system, and the iVontronic voting system has been returned to the manufacturer. The State has received all of the AVC Edge voting systems to replace the iVotronic voting system. The AVC Edge voting system is HAVA compliant and accessible for individuals with disabilities, and will be used for early voting in person in all parishes in upcoming elections.

All absentee by mail ballots are cast on mark sense paper ballots and are currently read by NCS Optiscan 5 scanners. The State is determining whether to replace the NCS Optiscan 5 scanners with Optech Insight Absentee Ballot Tabulators to scan and tabulate votes on mark sense paper ballots.

The voting systems that were previously in place in Louisiana allowed the voter to review his selections and alter any selection prior to activating the cast vote mechanism. All three voting systems prevented an overvote by refusing to allow the voter to make more selections than are permitted in a particular candidate, constitutional amendment, or proposition election. The iVtronic voting systems gave the user a message stating that he has attempted to select more selections than are allowed in that election and to change one of his previous selections. The AVM-POM voting machines and AVC Advantage voting systems would not allow the voter to depress an additional lever or electronic selection key, and the voter had to deselect his previous choice to alter one of the selections.

When paper ballots are mailed out to the voter, the paper ballot is accompanied by instructions informing the voter on how to cast a vote on the paper ballot, including the proper technique in marking the selection and correcting a selection. The Louisiana Legislature adopted provisions that instructed the Secretary of State to amend the instructions for casting a paper ballot to include information relative to using a pencil to mark the paper ballot allowing for corrections, and instructions on what effect selecting more than the allowed number of selections in a single election would have on the counting of the voter's ballot. The current instructions for completing a paper ballot are attached as Appendix "1".

On January 5, 2005, the Secretary of State adopted new voting system standards for Louisiana that require each election device to be contained within a booth that provides privacy to the voter. All voting apparatus used in Louisiana are shielded either by a curtain or booth such that the selections of the voter cannot be seen. In addition, the voting system standards require that the system "provide secrecy in the act of voting such that the selection of a voter cannot be determined after that vote has been cast." The AVC Advantage and AVC Edge voting systems assign

each vote cast to a random position within the voting system's computer memory, so as to avoid the ability to determine an individual's vote.

Section 1.1.a. Audit capacity

- Voting system shall produce a record with an audit capacity for such system.
- Manual audit capacity: Voting system shall produce a permanent paper record with a manual audit capacity for such system; shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced; and the paper record produced shall be available as an official record for any recount conducted with respect to any election in which the system is used.

Louisiana's HAVA Compliance

Each voting system previously in place in the State of Louisiana produced a permanent paper record of the results tallied by that voting system. All AVM-POM voting machines produced a paper record by sliding a platen over the raised numbers on the counters, similar to an old-style credit card imprinting device. All electronic voting systems produced a printed results tape generated by the voting system's computer memory. Lastly, all scanners used to calculate results of absentee by mail paper ballots were attached to a computer that provided a printed result of the tally.

Upon the completion of the replacement of the AVM-POM lever-operated voting machines with AVC Advantage voting systems, all voting systems used in Louisiana will be capable of printing not only a paper record of the final results, but also a paper record of each vote cast in the election.

Section 1.1.b. Accessibility for individuals with disabilities

- Voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation as for other voters; use at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and if used Title II money to purchase voting machines, meet the voting system standards for disability access by January 1, 2007.

Louisiana's HAVA Compliance

Previously, two parishes used the iVotronic voting systems for Election Day voting and all sixty-four parishes used the iVotronic voting systems in the Registrar of Voters' offices for early voting in person. The state recently replaced the iVontronic voting systems for early voting with the AVC Edge voting systems. In addition, the two parishes that previously used the iVotronics voting systems for Election Day voting will use the AVC Advantage voting systems. Both voting systems, the AVC Advantage and AVC Edge, are equipped with an audio voting keypad to accommodate individuals with disabilities.

The AVM-POM voting machines are being replaced with the AVC Advantage voting systems that accommodate individuals confined to a wheelchair by lowering the ballot screen to a level that an individual would be able to reach. Originally, the state proposed to retrofit at least one voting system in each precinct in the twelve parishes that used the AVC Advantage voting systems for disability access. Instead, the State is retrofitting every existing AVC Advantage voting system with an audio voting keypad. In addition, the state has procured the AVC Advantage voting systems with the audio voting keypads for the fifty parishes that previously used the AVM-POM voting machines and the two parishes that previously had iVotronics for Election Day voting. HAVA provides that the requirement for a voting system to be accessible for individuals with disabilities is met if each polling place has at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities. When Louisiana issued its State Plan on August 1, 2003, Louisiana proposed to provide at least one accessible voting system in each precinct in the state. Louisiana has gone a step further and all voting systems in all precincts in the State of Louisiana will be accessible for individuals with disabilities.

Section 1.1.c. Alternative language accessibility

- System shall provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965.

Louisiana's HAVA Compliance

According to the United States Department of Justice, Louisiana currently is not mandated to provide a foreign language ballot based upon statistics provided by the United States Bureau of Census, except for the Coushatta Tribe of Louisiana in Allen Parish. This tribe has waived its right to have a ballot printed in its native language.

The AVC Advantage and AVC Edge voting systems are capable of accommodating multiple languages.

Section 1.1.d. Error rates

- Error rate of the voting system in counting ballots shall comply with the error rate standards established under Section 3.2.1 of the voting system standards issued by the Federal Election Commission (FEC) in effect on October 29, 2002.

Louisiana's HAVA Compliance

Both the AVC Advantage and AVC Edge voting systems meet the error rate standard provided in Section 3.2.1 of the 2002 FEC voting system standards.

Section 1.1.e. Uniform definition of what constitutes a vote

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

Louisiana's HAVA Compliance

Act 1220 of the 2003 Regular Session of the Louisiana Legislature complies with the HAVA requirement for a uniform definition of what constitutes a vote and what will be counted as a vote, as follows:

a) Provides that in order to cast a vote on a voting system, a voter shall make at least one selection in a candidate or proposition election and that voting is completed by activating the cast vote mechanism.

b) Provides that in order to cast a vote on a paper ballot, a voter must make a selection for a candidate, or for or against a proposition by completely filling in the oval to the right of a selection and returning the ballot to the appropriate election official within the applicable deadline set forth by law. Also provides that if a voter makes selections for more than the number of candidates to be elected for an office or makes selections for and against the proposition, the selections for that office or proposition will be void.

SECTION 1.1 VOTING SYSTEM STANDARDS		
VOTING SYSTEM STANDARDS	VOTING MACHINE COMPLIANCE IN LOUISIANA	
	AVC Advantage	AVC Edge
Permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted.	Yes	Yes
Provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted.	Yes	Yes
If the voter selects for more than one candidate for a single office, notify the voter that the voter has selected more than one candidate for a single office on the ballot; notify the voter before the ballot is cast and counted on the effect of casting multiple votes for the office, and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	The AVC Advantage does not allow the voter to cast more than the maximum number of votes in a particular race. It will not allow the voter to illuminate another button to cast an overvote. It thereby meets this requirement and the notification part of this requirement is self-evident.	The AVC Edge does not allow the voter to cast more than the maximum number of votes in a particular race. It will not allow the voter to touch another button to cast an overvote. It thereby meets this requirement and the notification part of this requirement is self-evident.
Voting system shall produce a record with audit capacity for such system, including manual audit capacity.	AVC Advantage provides a printed version of the final results and a printed log of each vote cast on the voting system.	AVC Edge provides a printed version of the final results and a printed log of each vote cast on the voting system.

SECTION 1.1 VOTING SYSTEM STANDARDS (CONTINUED)		
VOTING SYSTEM STANDARDS	VOTING SYSTEM COMPLIANCE IN LOUISIANA	
	AVC Advantage	AVC Edge
Voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired.	AVC Advantage provides access to individuals with disabilities and to visually impaired voters.	AVC Edge provides access to individuals with disabilities and to visually impaired voters.
Voting system shall provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act.	AVC Advantage ballot style will allow alternate languages to be printed beside English text.	AVC Edge electronic ballot will allow for alternate languages.
Error rate of system shall comply with the error rate standard established under Section 3.2.1 of the voting system standards issued by the FEC in effect on October 29, 2002.	AVC Advantage meets the error rate standard under Section 3.2.1.	AVC Edge meets the error rate standard under Section 3.2.1.
State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the state.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on an electronic voting system.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on an electronic voting system.

SECTION 1.1 VOTING SYSTEM STANDARDS (CONTINUED)	
VOTING SYSTEM STANDARDS	PAPER BALLOT COMPLIANCE IN LOUISIANA
	Paper Ballots used in Absentee Voting by Mail and Provisional Voting
Establish education program that notifies each voter of the effect of casting multiple votes for an office and provide instructions on how to correct the ballot before it is cast and counted.	Louisiana already has in place an instruction sheet that is distributed with absentee by mail ballots pursuant to Act 1220 that includes instructions on filling out the ballot in pencil to allow for corrections and specific information about how to properly alter a selection.
Uniform and nondiscriminatory standard that defines what constitutes a vote and what will be counted as a vote.	Act 1220 defined what constitutes a vote and what shall be counted as a vote on a paper ballot distributed during absentee by mail voting or provisional voting.

Section 1.2 Provisional Voting (Section 302)

HAVA requires that provisional voting be permitted in Federal elections on and after January 1, 2004 as follows:

- If an individual declares that he is a registered voter in the jurisdiction in which he desires to vote and that he is eligible to vote in an election for Federal office, but his name is not on the official list of eligible voters at a polling place or an election official asserts that the individual is not eligible to vote, the individual may cast a provisional ballot.
- The election official must notify the voter that he is eligible to cast a provisional ballot.
- The voter may cast a provisional ballot or absentee provisional ballot at the polling place or Registrar of Voters' office after signing an affirmation that states that he is a registered voter in the jurisdiction and that he is eligible to vote in the Federal election.

- The election official shall transmit the provisional ballot or the voter information contained in the written affirmation to the appropriate state or local election official to verify if the individual is eligible to vote.
- If the appropriate state or local election official determines that the individual is eligible to vote under state law, the individual's provisional ballot shall be counted as a vote in the Federal election in accordance with state law.
- At the time the individual casts a provisional ballot, the appropriate state or local election official shall give the voter written information that explains how to ascertain whether his vote was counted, and, if his vote was not counted, the reason that his vote was not counted.
- The appropriate state or local election official shall establish a free access system for an individual who casts a provisional ballot to determine whether his vote was counted, and if his vote was not counted, the reason that his vote was not counted.
- The state or local official must maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information used for the free access system. Access to the information concerning the provisional ballot will be restricted to the individual voter who casts the provisional ballot.
- A provisional ballot shall also be cast by any individual who votes for a Federal office after the polls close pursuant to a court order or any other order extending the poll hours. Those provisional ballots cast shall be held separate from other provisional ballots cast by voters who cast provisional ballots during regular poll hours.

Louisiana's HAVA Compliance

Louisiana complied with the provisional voting requirements of HAVA and legislation was passed in the 2003 Regular Session of the Louisiana Legislature to provide for provisional voting. Act 423 of 2003 Regular Session of the Louisiana Legislature implemented provisional voting in Louisiana only in elections for Federal office as follows:

1) Authorizes an individual to cast a provisional paper ballot for candidates for Federal office only if his name does not appear on the precinct register and he has not been authorized by the Registrar of Voters to vote by affidavit or his eligibility to vote has been challenged by the election poll workers or registrar/deputy registrar.

2) Procedure for provisional voting for Federal office at a polling place or the Registrar of Voters' office:

- Applicant fills in the provisional ballot envelope flap and signs the certificate on the flap attesting that he is a registered voter in the parish and is eligible to vote in the election for Federal office.
- Applicant marks the provisional paper ballot, places the provisional ballot in the provisional ballot envelope, seals the envelope, and returns the provisional ballot envelope to the commissioner or registrar/deputy registrar.
- Applicant who casts a provisional ballot shall be provided written instructions by the commissioner or registrar/deputy registrar that explains how the applicant may ascertain whether his provisional vote was counted, and, if his provisional vote was not counted, the reason his vote was not counted.

3) Counting of provisional ballots:

- The parish Registrar of Voters compiles a list of the names of individuals who voted on a provisional ballot.
- The Registrar of Voters, Secretary of State, and other state and local agencies shall compile and provide available registration documentation for the Parish Board of Election Supervisors (Parish Board) to determine if an individual casting a provisional ballot is a registered voter and eligible to vote in the Federal election.
- The Parish Board shall be responsible for counting and tabulation of provisional ballots for Federal office.
- Provisional ballots shall be counted by the Parish Board on the third day following the election.
- Candidates, their representatives, and qualified electors may be present during the counting and tabulation of provisional ballots.
- The Parish Board shall determine if a provisional ballot shall be counted.
- All provisional ballots that are rejected by the Parish Board shall be sealed in the special provisional ballot envelope. No rejected provisional ballot shall be counted.
- A member of the Parish Board shall remove the flaps from the valid provisional ballots. The valid provisional ballot flaps and supporting registration documentation shall then be placed in the designated envelope and transmitted to the Registrar of Voters.
- The members of the Parish Board shall count the valid provisional ballots by hand and the total number of provisional votes cast for a Federal candidate shall be entered on the final provisional ballot vote report and the results shall be certified.

- A copy of the signed list of provisional voters indicating which ballots were counted and which ballots were rejected shall be transmitted to the Secretary of State.

4) Provisional voting for Federal office during extension of poll hours:

- An applicant who votes during the extension of poll hours pursuant to a court order or any other order extending the poll hours shall vote by provisional ballot for Federal offices.
- The provisional ballots cast during the extension of poll hours shall be kept separate and placed in a separate envelope.
- The provisional ballots cast during the extension of poll hours shall be counted according to the same procedure set forth for provisional ballots cast during early voting in person or during regular poll hours.
- An emergency as defined by Louisiana law, La. R.S. 18:401.1, does not constitute a circumstance in which polling hours are delayed necessitating the use of provisional ballots.

5) Results of Federal election:

- The results of the Federal election prepared by the Parish Board shall also include the total provisional votes for each candidate for Federal office.

The Secretary of State, in conjunction with the Clerks of Court and Registrars of Voters, have complied fully with the requirements of HAVA for provisional voting as follows:

1) The Secretary of State prepared the forms that are required for provisional voting in Louisiana.

2) The Secretary of State established a free access telephone system that allows an individual who casts a provisional ballot to ascertain whether his vote was counted, and, if his vote was not counted, the reason that his vote was not counted. The provisional ballot instructions include a toll-free telephone number where access to the information about an individual's provisional ballot will be restricted to the individual who casts the ballot.

3) The Secretary of State provided an updated informational pamphlet supplement setting forth instructions for provisional voting, counting and tabulating provisional ballots, and posting of additional information for provisional voting required by HAVA. This supplement is being incorporated into the informational pamphlet that is provided to the commissioners.

4) The Clerks of Court and Registrars of Voters are responsible for implementing provisional voting for Federal offices at the polling places on Election Day and during early voting in person, respectively.

5) Provisional voting has been conducted in the following elections in Louisiana: Presidential Preference Primary election on March 9, 2004; United States President, United States Senator and United States Representative elections on November 2, 2004; and United States Representative elections on December 4, 2004.

Section 1.3 Voting Information Requirements (Section 302(b))

Section 302(b) of HAVA requires, with respect to Federal elections held on and after January 1, 2004, the following voting information to be publicly posted at each polling place on the day of each election for Federal office:

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- Instructions for mail-in registrants and first-time voters under Section 303(b);
- General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Louisiana's HAVA Compliance

Louisiana law requires the following information for Election Day voting, early voting in person, and absentee voting by mail:

1) La. R.S. 18:421B. requires the Secretary of State to develop and print cards of instruction to voters and commissioners which shall not be inconsistent with the constitution and laws of the United States or of this state and which shall be approved by the Attorney General.

2) La. R.S. 18:552A.(2) requires the Secretary of State to furnish the parish custodian of voting machines (Clerk of Court) for each parish two sample ballots for each voting precinct at which voting shall be conducted in an election.

3) La. R.S. 18:562 provides the requirements for the identification of voters. The Secretary of State prepared an informational poster that sets forth the requirements of R.S. 18:562, and informs the voter that he may sign an affidavit and vote if he does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification.

4) La. R.S. 18:1306B.(2) requires the Secretary of State to prepare an informational pamphlet, approved by the Attorney General, generally describing the particular absentee counting equipment utilized in the election to count absentee ballots by mail and early voting ballots or voting systems used to cast early voting ballots. The pamphlet shall also include instructions that inform the voter how to cast his vote, which shall include instructions for marking the absentee by mail ballot and examples of the correct and incorrect methods of marking the ballot, if applicable.

Legislation was passed during the 2003 Regular Session of the Louisiana Legislature to comply with the HAVA voting information requirements.

Act 1220 of the 2003 Regular Legislative Session:

a) Requires the Secretary of State, in the case of a Federal election, to supply informational posters as required by the Help America Vote Act of 2002.

b) Requires the commissioners to post informational posters, if required, in addition to instructions, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place.

Act 423 of the 2003 Regular Legislative Session:

a) Requires the commissioner or registrar/deputy registrar to provide an applicant who casts a provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and if the provisional vote was not counted the reason the vote was not counted.

The Secretary of State updated the following publications to meet the requirements of HAVA: 1) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, and 2) the informational pamphlet required by R.S. 18:1306 for absentee voting by mail to provide the voter who votes on a paper ballot with instructions on how to correct the ballot before it is cast and counted.

The Secretary of State also prepared new informational posters to provide the following: information regarding the date of the election and the hours during which polling places will be open; instructions for mail-in registrants and first time voters under Section 303(b); general information on voting rights under applicable federal and state laws, including information on the rights of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Section 1.4 Computerized Statewide Voter Registration List (Section 303(a))

Title III, Section 303(a) sets forth the computerized statewide voter registration list requirements:

- Requires a single, uniform, official, centralized, interactive computerized list of all legally registered voters in the state and each voter assigned a unique identifier.
- Any election official may obtain immediate access to the list or database.
- Requires computerized list maintenance.
- Requires removal of individuals in accordance with the NVRA.
- Requires coordination of felony status and death records with state agencies.
- Requires security preventing unauthorized access.
- Requires verification of certain voter registration information provided by applicants. (Should an individual provide the last four digits of his social security number, verification must be obtained from the Social Security Administration via link through the Office of Motor Vehicles that the number provided is an accurate and valid number. State Election Officials and Motor Vehicle Authority shall enter into an agreement to match information in the statewide registration database and the OMV database to verify accuracy of information provided on voter registration application.)
- Requires applicant to provide driver's license number, if issued, or last four digits of social security number, if issued. If applicant has neither, a unique number will be generated to identify the individual.
- Requires sharing of information in databases.

Compliance with Section 303(a) of HAVA must be completed on or before January 1, 2004, unless the state is granted a waiver of the deadline until January 1, 2006.

Louisiana's HAVA Compliance

Since 1987, Louisiana has had in place a single, centralized computerized list of voters registered to vote in the State of Louisiana. By and large, the Elections and Registration Information Network (ERIN) already accomplished most of what HAVA envisioned. The system maintains all records of registered voters throughout the state and assigns each voter a unique identification number. However, the Department of State had to make a number of alterations to conform to the HAVA requirements.

ERIN already provided access to the Registrar of Voters in each parish. However, HAVA required all local election officials to have access to the system. Thus, the Clerk of Court, as the Chief Election Officer in each parish, was given inquiry access to ERIN. In order to accomplish this, the Clerk of Court in each parish was linked to the ERIN system via a series of routers, switches, and lines. This project was completed in 2004.

ERIN meets the requirements for removal of individuals in accordance with the NVRA. Duplicate names are eliminated from the list. In addition, regular list maintenance is performed, placing individuals who do not respond to mailings on an inactive list and purging them from the list of voters if they are inactive for the course of two Federal general elections. ERIN data is also compared to felony lists provided by the Louisiana Department of Public Safety and Corrections (DPS). Federal and state clerks of court receive death notices from the Louisiana Department of Health and Hospitals (DHHS). Individuals who have been convicted of a felony are suspended while under an order of imprisonment. Similarly, death notices are matched against ERIN data to allow for the removal of deceased voters. No modifications are necessary to meet HAVA's removal of voters requirement in keeping with the provisions of the NVRA.

ERIN provides customized software security disallowing unauthorized access. No modifications are necessary to meet the security requirements of HAVA.

In order to meet the registration information verification requirements of HAVA, certain modifications were required to the ERIN system as detailed below:

- Added field for driver's license number on application entry screen and forms.
- Added driver's license number and Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles (OMV) data to add/update screen.

- Developed applications to process verification and exchange information with OMV.
- Developed programs to update/add/load information provided by OMV.
- Developed reports for Registrars of Voters.

In addition to the in-house changes to ERIN, certain changes were made by the OMV to both their software and procedures to ensure compliance with the HAVA information verification requirements:

- The registrant's driver's license number is being preprinted on in-person voter registration applications submitted from the OMV.
- The exchange of information processes with the Department of State were developed.
- An interface with the Social Security Administration on the social security number verification method was developed.

The Department of State and DPS are currently exchanging information electronically via a secure encrypted protocol (VPN). An exchange data format has been developed to secure exchange data between the departments. In order to accomplish this information sharing, the following alterations were made to ERIN:

- Developed encryption software scripts.
- Developed program to capture data.

All of the changes necessary to meet the mandatory requirements of HAVA have been completed but work continues to enhance both the functionality and security of the interface developed between the agencies.

Section 1.5 Requirements for Voters Who Register By Mail (Section 303(b))

Section 303(b) of HAVA sets forth the requirements for persons who register to vote by mail. The changes affect the information that is contained on the mail-in registration form and the information or proof of identity provided by the mail-in registrant.

Any mail-in registration form must contain the following information:

- Whether the registrant is a citizen of the United States.
- Whether the registrant will be 18 years of age or older by the next election date.
- Instructions on discontinuing the application process if the answer to one of these two questions is "no".

- Instructions that certain verification information must be provided with the mail-in registration form in order to avoid the necessity for the provision of additional verification information upon voting for the first time.

If the registrant has a driver's license number, that number must appear on the voter registration form. If the registrant does not have a driver's license number but has a social security number, at least the last four digits of the registrant's social security number must be provided on the voter registration form. If these numbers are issued and are not provided, the registration application cannot be processed. Certain alternative information may be provided by a mail-in registrant in order to avoid additional identification requirements upon voting for the first time. This information includes:

- A copy of a current and valid photo identification; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Persons who fall into one of the following categories are exempted from the additional identification requirements:

- A registrant authorized to receive an absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA);
- A registrant authorized to vote otherwise than in person by Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (VAEHA); or
- A registrant entitled to vote other than in person under any other Federal law.

If this identifying information is not provided or the registrant does not fall into one of the categories of authorized persons under UOCAVA, VAEHA, or any other Federal law, the new registrant must provide the following information upon voting for the first time in-person or by mail:

- Current and valid photo identification; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

If this information is not provided, the voter will only be allowed to cast a provisional ballot.

Louisiana's HAVA Compliance

In Act 1220 of the 2003 Regular Legislative Session, the legislature made changes that require all registrants to provide either a valid and current photo identification, driver's license number, social security number, or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant as a part of the registration process. This sought to assure that Louisiana would have the information necessary to apply Section 303(b)(3) and be exempted from Sections 303(b)(1) and 303(b)(2).

Act 403 of the 2006 Regular Session of the Louisiana Legislature addressed the requirements for the driver's license number or the last four digits of the social security number. Act 403 provides that no voter registration application shall be complete unless the applicant provides one of the following forms of identification: 1) a Louisiana driver's license number or Louisiana special identification card number, is issued, or the last four digits of the social security number, if issued; or 2) if the applicant does not have Louisiana driver's license number, Louisiana special identification card number or a social security number, the applicant must submit a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant. See Act 403 of the 2006 Regular Session of the Louisiana Legislature attached as Appendix "2".

Louisiana revised its mail voter registration application (Form #0110) to comply with HAVA. See Form #0110 attached as Appendix "3". The mail voter registration application has been precleared by the United States Department of Justice, Voting Rights Division.

Managing Disbursement of HAVA Funds

SECTION 2. How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of – (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). (Section 254(a)(2), 42 U.S.C. §15404(a)(3))

The cost for conducting a Federal election is paid by the State of Louisiana through state general funds allocated to the Department of State. The cost of a

Federal election includes the following: ballot preparation and printing; precinct packets for Election Day voting; election materials for early voting in person and absentee voting by mail; promulgation of election returns; election expenses for the Clerks of Court (e.g. personnel charges for time spent on election functions outside the regular office hours of the Clerk of Court's Office and conducting schools for commissioners); per diem for the members of the Parish Board of Election Supervisors and their expenses; Election Day expenses such as the payment for commissioners and commissioners-in-charge, drayage contractors for hauling voting systems to and from the polling places, and precinct rentals; and Registrars of Voters' election expenses. If the election for Federal office is the only item on the ballot, the State is responsible for the entire cost of the election expenses for the Federal office. However, if state or local governing authorities have elections on the same ballot, the election expenses are distributed in accordance with the cost allocation provisions of the Louisiana Election Code.

The State of Louisiana is responsible for paying the costs of the following: all voting systems, equipment and supplies; storage of voting systems; maintenance of voting systems; maintenance and updates to the ERIN system; election publications; and forms used by the Clerks of Court and Registrars of Voters. There will be no distribution of requirements payments to units of local government or other entities.

Educational Programs

Section 3. How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. (Section 254(a)(3), 42 U.S.C. §15404(a)(3))

Section 3.1 Election Official Education and Training

The Clerk of Court for each parish is the Chief Election Officer of the parish and is responsible for the following election functions: qualifying local and municipal candidates; conducting general courses of instruction for commissioners-in-charge and commissioners; serving as a member of the Parish Board of Election Supervisors; and selecting deputy custodians.

The Registrar of Voters for each parish is responsible for the following voter registration and election functions: conducting voter registration; maintaining accurate voter registration records; conducting the annual canvass of registered

voters; making changes to voter registration rolls relative to reapportionment and changes in district lines; conducting early voting in person and absentee voting by mail; and serving as a member of the Parish Board of Election Supervisors.

The Parish Board of Election Supervisors consists of the Clerk of Court, the Registrar of Voters, the chairman of the parish executive committee of the Democratic and Republican parties or their designee, and a member appointed by the Governor. This body is responsible for the following: selecting the commissioners-in-charge at the beginning of each calendar year; drawing or appointing the commissioners prior to an election; sealing the voting systems before they are delivered to the polling places; breaking the seals on the voting systems after the election; certifying the official results of any election in the parish; and counting provisional ballots for Federal elections.

The Secretary of State keeps the Clerks of Court and Registrars of Voters updated on changes in the law, including changes required by HAVA. In addition, the informational pamphlet required by La. R.S. 18:421 is continually being updated to provide instructions and additional information that may be required by HAVA.

Section 3.2 Poll Worker Training

The Clerk of Court for each parish is required to conduct courses of instruction for election poll workers (commissioners-in-charge, commissioners, and alternate commissioners). La. R.S. 18:431A. requires each Clerk of Court to semiannually conduct a general course of instruction for the commissioners and provide them with the following: a copy of the informational pamphlet provided by the Secretary of State; instructions for the use of the voting systems; instructions for conducting primary and general elections; and instructions on the commissioner's duty to offer a voter the opportunity to sign an affidavit and vote if the voter does not have picture identification. Commissioners' training also includes information about the proper etiquette for individuals with disabilities, and procedural techniques to best serve individuals with disabilities during the voting process. Each Clerk of Court will be provided with a Clerk of Court Training DVD prepared by the Department of State for use at commissioner schools. This DVD contains training information and instructions on the following: use of the AVC Advantage voting system; use of the new audio voting keypad; and the proper etiquette when an individual with a disability goes to the polls on Election Day. On Election Day, the audio voting keypad shall be offered by the commissioners to individuals who are visually impaired, blind, illiterate, physically disabled, or have difficulty understanding the written word.

La. R.S. 18:431B. authorizes the Clerk of Court to conduct a course of instruction, if needed, for commissioners-in-charge, commissioners, and alternate commissioners who are drawn or appointed to serve in each election. The course primarily covers the procedures to be used in the election for which the officials were selected.

The Secretary of State, in addition to amending the informational pamphlet to address the requirements of HAVA, has prepared precinct supply packets containing the following informational brochures on the voting process to election poll workers: information regarding the date of the election and the hours during which polling places will be open; instructions for mail-in registrants and first time voters under Section 303(b) of HAVA; general information on voting rights under applicable federal and state law, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Section 3.3 Voter Education

Voter education is of vital importance to the election process. Voter education includes the following: educating voters as to what is contained on the ballot; use of the AVC Advantage and AVC Edge voting systems; polling place locations; election dates for Election Day voting, early voting in person, and absentee voting by mail; voting at the precinct on Election Day; casting an absentee by mail ballot; early voting process; provisional voting; and registering to vote. The goal of voter education is to provide educational programs and information to all voters to facilitate a firm understanding of the election and registration processes and applicable laws that govern the conduct of elections in Louisiana. To that end, the Secretary of State is making it a priority to coordinate with governmental agencies and non-governmental organizations to ensure that all strata of the Louisiana population are reached through voter education programs. In addition, the State is making this information available to individuals with disabilities and is working with the disability community on how to more efficiently and effectively provide this information.

Act 286 of the 2003 Regular Session of the Louisiana Legislature requires the Secretary of State in administering the laws relating to the custody of voting systems and voter registration to do the following:

- Prescribe uniform rules, regulations, forms, and instructions as to standards for effective nonpartisan voter education. Standards shall address but shall not be limited to voter education concerning voter registration, balloting

procedures, distribution of sample ballots, and effective voter education methods.

- Review current voter education programs within Louisiana.
- Prepare an annual report on the effectiveness of voter education programs.
- Develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week, and generally be responsible for implementation of such voter registration week.

The rules and regulations relating to the annual voter registration week were adopted by the Secretary of State and published in the December 20, 2005 issue of the "Louisiana Register." The Secretary of State currently is implementing a more comprehensive voter education program that meets the requirements of Act 286, and the following additional activities may be included in the program:

- Expansion of website information and toll-free telephone access to provide additional information to citizens on how to participate fully in the election process.
- Coordination with parish election officials to establish community-based programs for voter outreach and education programs.
- Continuation of student mock elections.
- Continuation of school-aged and college voter outreach and registration programs.
- Preparation of public service announcements for voter education and registration information.
- Conduct of seminars throughout Louisiana for voter education and registration.
- Coordination with NVRA officials and other civic groups to assist with voter registration drives.
- Coordination with other state officials to provide voter education on the use and operation of new voting systems.

Voting System Standards

SECTION 4. How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301. (Section 254(a)(4), 42 U.S.C. §15404(a)(4))

The State of Louisiana has both statutory provisions and administrative rules relative to the types and forms of voting systems that can be certified for use in the

state. On January 5, 2005, the Secretary of State adopted Louisiana's most recent version of the voting system standards that meet with his requirements for durability, accuracy, efficiency, and capacity. All voting systems must be certified by the Secretary of State based upon recommendations from a committee of experts appointed by him prior to use in the state (La. R.S. 18:1361).

HAVA Fund

SECTION 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. (Section 254(a)(5), 42 U.S.C. §15404(a)(5))

Act 142 of the 2003 Regular Session of the Louisiana Legislature established the Help Louisiana Vote Fund as a special fund in the State Treasury for the deposit of all funds received pursuant to HAVA. Act 142 provides that federal monies shall be deposited into the fund and allocated by the State Treasurer to one of the following five accounts: Election Administration Account; Voting Systems Account; HAVA Requirements Account; Voting Access Account; and College Program Account. The Help Louisiana Vote Fund is a separate fund from the state general fund and all interest earned on the investment of the monies in the fund shall be credited to the Help Louisiana Vote Fund.

The Secretary of State has provided written instructions to the State Treasurer as to the appropriate account into which the HAVA funds shall be deposited, including interest. Appropriations have been made by the Louisiana Legislature from the fund, and the Secretary of State will continue to oversee the expenditure of the monies from the fund in compliance with HAVA and the State of Louisiana accounting guidelines.

State Budget

SECTION 6. The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on – A) the costs of the activities required to be carried out to meet the requirements of Title III; B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and C) the portion of the requirements payment which will be used to carry out other activities. (Section 254 (a)(6), 42 U.S.C. §15404 (a)(6))

In federal fiscal year 2003, Louisiana received $4,911,421 in Title I, Section 101 funds for the purpose of improving the administration of elections for Federal office, and $7,351,684 in Title I, Section 102 funds as reimbursement for the replacement of the AVM-POM voting machines. No state match funds are required for any Title I funds.

Louisiana received Title II federal funds in federal fiscal year 2004 ($12,519,220) and in federal fiscal year 2005 ($22,518,452). The maximum Title II payment for Louisiana was $35,067,672.

Title II funds require a state match of five percent ($1,845,666.95) to be provided by the State of Louisiana to match federal fund allocations only. The United States Election Assistance Commission (EAC) has advised the State of Louisiana that state match will not be required for any interest accumulations on Title II funds received. The Secretary of State has made budget requests for the five percent state match in the appropriations bills in state fiscal years 2003, 2004, 2005, and 2006. As of June 21, 2006, the State of Louisiana has already accumulated $1,865,928.03 in actual expenses and encumbrances to meet the requirements of Title II of HAVA for state matching funds.

The proposed budget for HAVA funds was based on the priorities detailed below. Federal funding must first be used to address the mandates placed on the State of Louisiana by HAVA, specifically for the following: procurement of electronic voting systems; accessibility for individuals with disabilities; computerized statewide voter registration list; computerized list maintenance; and verification of registration information. The balance of the HAVA funds were to be used for discretionary improvements to the election and registration process.

The original budget estimates in the August 1, 2003 State Plan were based on various projections and the uncertainty in the funds required to implement the requirements of HAVA. After proceeding with the HAVA grant and procuring

the HAVA compliant voting system for Louisiana, it has been determined that the original estimated budget for Title II federal expenses for Louisiana should be revised accordingly. The federal fund budget allocations were subject to modification based on the uncertainty in tasks required to be performed under HAVA and unanticipated discretionary improvements to the election and registration process.

Estimated Budget for Title II Federal Expenses Based Upon The Louisiana State Plan dated August 1, 2003:

Budget Item	Title II Federal Funds Allocated
Replacement of non-compliant lever-operated voting systems and upgrade of existing electronic voting systems to meet disability access requirements.	$32,192,122
Statewide voter registration database, including software and hardware, and upgrade/replacement of software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve ballot preparation and voting system programming.	$1,402,707
Voter education, election official education and training, and poll worker training for meeting the requirements of Title III of HAVA.	$946,827
Update voting system standards.	$35,068
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan.	$455,880
Telecommunications.	$35,068
Voting information requirements.	0 – State funds[2]
Provisional voting.	0 – State funds
State-based administrative complaint procedure.	0 – State funds
Requirements for first time voters who register by mail.	0 – State funds

The total amount of federal funds received by the Department of State was $35,067,672. The State of Louisiana would be required to provide a match of five percent totaling $1,845,666.95.

[2] "State funds" denotes that money for this program or project will be provided out of funding allocated to the Department of State as a part of its annual state funded budgets.

Estimated Budget for Title II Federal Expenses Based Upon Amended Louisiana State Plan

Budget Item	Title II Federal Funds Allocated
Replacement of non-compliant lever-operated voting systems and upgrade of existing electronic voting systems to meet disability access requirements, including installation, implementation and training.	$26,800,000
1) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 2) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities.	**$7,722,672
Voter education, election official education and training, and poll worker training for meeting the requirements of Title III of HAVA.	$525,000
Update voting system standards.	0 – State funds[3]
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan.	$20,000
Telecommunications.	0 – State funds
Voting information requirements.	0 – State funds
Provisional voting.	0 – State funds
State-based administrative complaint procedure.	0 – State funds
Requirements for first time voters who register by mail.	0 – State funds

**As authorized by Section 251, 42 U.S.C. §15401(a)(2)(B), a portion of these funds will be used for other improvements to the administration of Federal

[3] "State funds" denotes that money for this program or project will be provided out of funding allocated to the Department of State as a part of its annual state funded budgets.

elections, as the amount does not exceed the minimum payment amount applicable to the State under section 252(c).

The total amount of federal funds received by the Department of State was $35,067,672. All current and future interest collections will be placed into funding for the statewide voter registration and election system.

Louisiana's Maintenance of Effort

SECTION 7. How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. (Section 254(a)(7), 42 U.S.C. §15404(a)(7))

Louisiana has a state-driven election system and Louisiana has and will maintain the expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures for Louisiana for fiscal year 2000.

Performance Goals and Measures

SECTION 8. How the state will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. (Section 254(a)(8), 42 U.S.C. §15404(a)(8))

Section 8.1 Replacement of lever voting machines

1) Deadline: First Federal election on and after January 1, 2006. Louisiana received a waiver to extend the deadline from the first Federal election on and after January 1, 2004 to the first Federal election on and after January 1, 2006.

2) Criteria: Replacement of AVM-POM voting machines that comply with Title III of HAVA in the fifty parishes that used AVM-POM voting machines in the 2000 Federal election.

3) How Criteria is Judged: Success of meeting the performance goal is based on the number of the AVM-POM voting machines remaining in use in Louisiana after the 2006 deadline.

4) Responsible Official: Secretary of State.

Section 8.2 Voting accessibility for individuals with disabilities

1) Deadline: First Federal election on and after January 1, 2006.

2) Criteria: Provide at least one direct recording electronic voting system for individuals with disabilities in each precinct in Louisiana. The Department of State has determined that every voting system used in the State of Louisiana will be accessible to individuals with disabilities.

3) How Criteria is Judged: Success of meeting the performance goal will be based on the placement or retrofitting of all direct recording electronic voting systems until all systems are accessible to individuals with disabilities in Louisiana.

4) Responsible Official: Secretary of State in cooperation with the Clerks of Court and Registrars of Voters.

Section 8.3 Statewide voter registration system

1) Deadline: January 1, 2006.

2) Criteria: Implementation "in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State".

3) How Criteria is Judged: Success of meeting this performance goal was based on implementation of minor changes to ERIN to meet the requirements of HAVA. The State of Louisiana met its goal prior to January 1, 2006.

4) Responsible Official: Secretary of State in conjunction with the Registrars of Voters.

Section 8.4 Provisional voting

1) Deadline: January 1, 2004.

2) Criteria: Implementation of provisional voting for Federal elections and establishment of a free access system so that provisional voters can ascertain if their provisional ballots were counted.

3) How Criteria is Judged: Success of meeting this performance goal was based on the implementation of provisional voting in each parish at the polling places on Election Day and during early voting in person, and establishment of the free access system required for provisional voters. The State of Louisiana met its goal in 2004.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Section 8.5 Posting of voting information

1) Deadline: January 1, 2004.

2) Criteria: Posting of the required information at each polling place required by Section 302(b) of HAVA.

3) How Criteria is Judged: Success of meeting this performance goal was based on the preparation of the required information and the posting of the information at each polling place and each Registrar of Voters' office. The State of Louisiana met its goal in 2004.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Section 8.6 Voter education on how to correctly cast a ballot for a paper ballot voting system

1) Deadline: January 1, 2006.

2) Criteria: Establishment of a voter education program for a paper ballot voting system that notifies the voter of the effect of casting multiple votes for an office and how to correct the ballot before it is cast and counted.

3) How Criteria is Judged: Success of meeting this performance goal was based on the establishment and implementation of the voter education program for the paper ballot voting system used in Louisiana. The State of Louisiana met its goal prior to January 1, 2006.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Administrative Complaint Procedure

SECTION 9 of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402. (Section 254(a)(9), 42 U.S.C. §15404(a)(9))

Act 423 of the 2003 Regular Session of the Louisiana Legislature established a uniform, nondiscriminatory procedure for the resolution of a complaint alleging a violation of any provision of Title III of HAVA for an election for federal office.

Elements of the Louisiana's Administrative Complaint Procedure include:

- The complaint must be in writing, signed by the complainant, executed before a notary public, and sworn to under oath.
- The complaint shall be filed with the Secretary of State within 90 days after the final certification of the Federal election.
- The complainant may request that the State Board of Election Supervisors (State Board) conduct a hearing on the record.
- The complainant, any respondent, or any other interested person may appear at the hearing and testify or present tangible evidence in connection with the complaint.

- The State Board shall determine whether a violation of Title III has occurred and shall issue a written decision.
- The final decision of the State Board shall be issued within 90 days from the date the complaint was filed, and the decision shall be posted on the Secretary of State's website.
- If the State Board fails to issue a final decision within 90 days from the date the complaint was filed or within any extension to which the complainant consents, the complaint shall be referred for final resolution to the Division of Administrative Law.
- An administrative law judge shall issue a written resolution of the complaint within 60 days after the final board decision was due.
- The final decision of the State Board or the final resolution of the administrative law judge may be judicially reviewed by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge, within 30 days after the mailing of the notice of the final decision.

Use of Title I Payment

SECTION 10. If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. (Section 254(a)(10), 42 U.S.C. §15404(a)(10))

Louisiana received $4,911,421 in Title 1, Section 101 funds for the purpose of improving the administration of elections for Federal office.

Estimated Budget for Title I, Section 101 Federal Expenses Based Upon The Louisiana State Plan dated August 1, 2003

Budget Item	Title I Federal Funds Allocated
Replacement of lever voting systems and upgrade of existing electronic voting systems to meet disability access requirements.	$3,698,300
Voter registration system, equipment and information technology.	$137,520
Toll-free telephone system.	$44,203
Remaining Section 101 funds to be used for purposes outlined in Section 101.	$1,031,398

Estimated Budget for Title I, Section 101 Federal Expenses Based Upon The Amended Louisiana State Plan

Budget Item	Title I Federal Funds Allocated
Replacement of paper ballot voting system for early voting in person with new voting system, including installation, implementation and training.	$1,538,759
1) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 2) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities.	$3,322,662
Remaining Section 101 funds to be used for purposes outlined in Section 101.	$50,000

The total amount of Title I, Section 101 federal funds received by the Department of State was $4,911,421. All current and future interest collections will be placed into funding for the statewide voter registration and election system.

Louisiana received $7,351,684 in Title I, Section 102 funds as reimbursement for the replacement of the AVM-POM voting machines. The Louisiana State Plan dated August 1, 2003 provided that $654,360 of the $7,351,684 would be used as reimbursement for the replacement of the lever voting systems and the money would serve as part of the five percent match required by Section 253(b)(5) of HAVA. The $654,360 will remain in the Section 102 account and the funds will be used solely for the purpose of replacing the AVM-POM lever voting machines.

State Plan Management

Section 11. How the state will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change – A) is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State plan; B) is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). (Section 254(a)(11), 42 U.S.C. §15404(a)(11))

The Secretary of State as the "chief election officer of the state" is responsible for the ongoing management and implementation of the plan. The State Plan is a critical component in Louisiana's effort to improve accessibility and accountability in the election process, and the implementation and maintenance of the State Plan will be a continuation of Louisiana's commitment to a progressive and efficient election and registration process.

Input from the Clerks of Court and Registrars of Voters in accomplishing the requirements of HAVA is essential and the Secretary of State will coordinate with the Clerks of Court and Registrar of Voters to review the performance goals and assess compliance with the objectives of Louisiana's State Plan.

The State agrees that it may not make any material change in the administration of the State Plan unless the change:

1) Is developed and published in the Federal Register in accordance with Section 255 of HAVA in the same manner as the State Plan;

2) Is subject to public notice and comment in accordance with Section 256 of HAVA in the same manner as the State Plan; and

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

Changes to State Plan from Previous Fiscal Year

SECTION 12. In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year. (Section 254(a)(12), 42 U.S.C. §15404(a)(12))

The amended state plan contains funding changes to the state plan as follows:

1) Updated the estimated budget allocation for Title II federal funds.

2) Updated the estimated budget allocation and use of the Title I payments for Title I, Section 101 funds.

3) Provides that the $654,360 of Title I, Section 102 funds will not be used for state matching funds for Title II federal funds.

State of Louisiana's Progress on the Implementation of HAVA:

Merger of the Department of Elections and Registration into the Department of State:

The Louisiana State Plan dated August 1, 2003 was prepared by the Department of State and the Department of Elections and Registration in conjunction with the Louisiana Help America Vote Advisory Committee and the Governor. With the adoption of Act 451 of the 2001 Regular Session of the Louisiana Legislature, the Department of Elections and Registration was merged into the Department of State as of January 12, 2004. Since the merger, there have been numerous changes in the staffing and goals of the Department of State. As a result, it was determined that the Louisiana State plan would be amended in its entirety.

Compliance with Section 301, Replacement of Lever Voting Machines, and Disability Access:

Louisiana requested and received a waiver pursuant to Section 102(a)(3)(B) of HAVA to move the deadline for the replacement of the lever voting machines until the first Federal election held after January 1, 2006.

On July 12, 2005, the State of Louisiana issued a request for proposal for the procurement of a new statewide voting system to six companies who had voting

systems certified by the Department of State. On October 31, 2005, the State of Louisiana announced that Sequoia Voting Systems, Inc. was selected to replace all lever-operated voting machines with AVC Advantage voting systems and make Louisiana's voting system HAVA compliant. On December 13, 2005, the Department of State entered into a contract with Sequoia Voting Systems, Inc. for HAVA compliant AVC Advantage voting systems to replace all AVM-POM lever-operated voting machines in fifty parishes, replace the electronic voting systems with AVC Edge voting systems for early voting, and retrofit all existing AVC Advantage voting systems with audio voting capability for individuals with disabilities. Upon completion of the contract, all voting systems in Louisiana will be HAVA compliant and accessible to individuals with disabilities.

Implementation of Voting Systems:

Early voting: In 2006, the Department of State began receiving the AVC Edge voting system specified in the contract for early voting to replace the iVotronics which were previously purchased by the Department of Elections and Registration. The Department of State has received all AVC Edge voting systems and the systems are being implemented in each parish that has an election scheduled, with final implementation no later than August, 31, 2006.

Election Day voting: Existing AVC Advantage voting systems are currently being retrofitted with audio voting keypads to provide disability access for the systems that were in the twelve parishes that previously used the AVC Advantage voting systems.

Nine parishes used the new the AVC Advantage voting systems at the spring elections, April 1, 2006 and April 29, 2006.

Fourteen parishes will use new the AVC Advantage voting systems for proposition elections scheduled for July 15, 2006.

The remaining parishes will have the AVC Advantage voting systems implemented in their parishes for the September 30, 2006 statewide election.

Provisional Voting:

Act 423 of the 2003 Regular Session of the Louisiana Legislature authorized provisional voting in federal elections only in Louisiana.

In 2003 and 2004, the Department of State prepared forms for use in provisional voting. The Secretary of State established a free access system to allow an individual who casts a provisional ballot to ascertain whether his vote was

counted, and, if his vote was not counted the reason his vote was not counted. The Secretary of State prepared an updated informational pamphlet supplement providing election officials and poll workers with instructions for provisional voting, counting and tabulation of provisional ballots, and posting of information on provisional voting. The Secretary of State worked in conjunction with the Clerks of Court and Registrars of Voters to implement provisional voting for Election Day voting and early voting.

Provisional voting was conducted in elections for Federal offices on March 9, 2004 (Presidential Preference Primary), November 2, 2004 (Presidential Election and Congressional Primary), and December 4, 2004 (Congressional General). The following is a breakdown of the statistics for the number of provisional ballots that were cast, the number that were counted, and the number that were rejected:

2004 PROVISIONAL VOTING STATISTICS

ELECTION DATE	NO. OF PROVISIONAL BALLOTS CAST	NO. OF PROVISIONAL BALLOTS COUNTED	NO. OF PROVISIONAL BALLOTS REJECTED
March 9, 2004	273	168	105
November 2, 2004	5,880	2,312	3,568
December 4, 2004	29	25	4

Voting Information Requirements:

The Secretary of State provided each Clerk of Court with sample ballots to post at each precinct prior to the adoption of HAVA.

Act 1220 of the 2003 Regular Session of the Louisiana Legislature requires the Secretary of State to supply informational posters as required by HAVA. The act also requires the commissioners to post informational posters at the precinct. The Secretary of State prepared new informational posters that provided the following information: instructions for mail-in registrants and first time voters under Section 303(b); general information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

In 2004, the Department of State furnished posters providing the date of the election and poll hours to be posted at every precinct in the State of Louisiana. In

addition, the Department of State prepared instructions that inform voters how to vote, how to cast a vote, and how to cast a provisional ballot.

In 2005, the Department of State amended the instructions for absentee voting by mail that were prepared in 2003 to comply with HAVA.

In 2006, posters indicating the accessible entrance at the polling place were added to every precinct supply package.

Computerized Statewide Voter Registration List:

In 2004, the Secretary of State consolidated the network connecting the local Registrars of Voters and Clerks of Court. This consolidation provided inquiry access to ERIN to each Clerk of Court in each parish.

Registration information verification:

In 2004, the Department of State began negotiations with the OMV to implement the verification requirements for driver's license number or the last four digits of the social security number. On October 28, 2005, the Department of State entered into an agreement with DPS for the verification of registration information for Louisiana driver's license number or Louisiana special identification card number.

On December 12, 2005, the DPS entered into an agreement with the Social Security Administration (SSA) for the verification of the last four digits of the social security number of applicants for registration.

In the fall of 2005, the Department of State established procedures for the verification of registration information including forms and instructions for use by the Registrars of Voters in verifying registration information. In addition, the Department of State conducted training seminars for the Registrars of Voters on the procedures for implementing the verification process.

On January 1, 2006, the Department of State began the process on the ERIN system for the verification of new voter registration applications by matching with the DPS-OMV records or the last four digits of the social security number. The process is continuing for registration applications as required by Section 303(a)(5)(A) of HAVA.

During the 2006 Regular Session of the Louisiana Legislature, Act 403 was enacted setting forth the statutory procedures for conducting the verification of registration information. See Appendix "2".

ERIN system modernization:

During the process for defining the modifications to the ERIN system to meet the HAVA requirements, it was determined that the changes were more extensive than originally planned and while the new verification process would work, it was cumbersome. Since the ERIN system had been in operation since the late 1980's, it was determined that the system was in need of a technology refresh. During the year, the functional requirements for the new system were documented and a contract was awarded through a bid process for the modernization of the system. Development work was initiated in the fall of 2005.

Computer upgrades:

In preparation for the new system, all of the PC's in the local Registrar of Voters' offices were upgraded to the most current models. Concurrently, planning began in earnest for the changes to the network that were needed to provide more secure connectivity throughout the state while providing an additional level of redundancy necessary to eliminate single points of failure that caused outages for a number of parishes at one time.

ERIN upgrades:

In 2006, development of the new system continued and Phase I of the project is expected to go live in August of 2006. This new system will contain all of the functionality from the old, but adds more user friendly functionality for meeting some specific HAVA requirements, such as duplicate registrant detection and verification procedures.

Records retention:

Given the devastating impact of two major hurricanes in Louisiana, another project will be initiated in July of 2006 to insure the retention of voter registration records through the imaging (scanning), indexing, storage and retrieval of paper documents. The Orleans Parish Registrar of Voters' office was selected as the pilot and once complete in this location, the project will be extended to the remaining parishes in the State of Louisiana.

Network upgrades:

From April through July of 2006, the planned upgrade to the network will be completed to facilitate better connectivity through increased bandwidth and increased redundancy.

Requirements of Registration Applications:

In 2003, Act 1220 required all registrants to provide either a valid and current photo identification, driver's license number, social security number, or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant as a part of the registration process.

In October of 2005, the Louisiana mail voter registration application was amended to address the requirements of Section 303(b)(4)(A) of HAVA. The registration application was precleared by the United States Department of Justice, Voting Rights Division on December 19, 2005.

In 2006, Act 403 was enacted requiring a registrant to provide his Louisiana driver's license number or Louisiana special identification card number, if issued, or the last four digits of his social security number, if issued. Act 403 also provides that if the applicant does not have a Louisiana driver's license number, Louisiana special identification card number, or a social security number, that the applicant must provide a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the applicant. The registration application cannot be processed if the applicant does not provide one of the forms of required identification.

Act 403 also requires that the registration information be verified before the applicant is added to the registration rolls. The requirement in state law that the applicant's registration information must be verified exempts the registrant from the additional verification requirements of Section 303(b)(1) and (b)(2) of HAVA.

Election Official Education and Training:

Prior to the federal elections in 2004, the Department of State conducted training sessions for election officials on provisional voting. A supplement to the Informational Pamphlet was published and provided to the election officials to train election poll workers. In addition, each Clerk of Court was provided a VHS tape to use during election poll worker training on the etiquette of working with individuals with disabilities.

In the summer of 2006, each Clerk of Court will be provided by the Department of State with a Clerk of Court Training DVD for use during the commissioner schools containing information on disability access and proper etiquette for voters who are visually impaired, blind, illiterate, physically disabled, or have difficulty understanding the written word.

The supplement to the Informational Pamphlet for election poll workers is currently being amended to incorporate the provisions of provisional voting. In addition, information on the implementation of the voter registration verification, the use of the new voting systems, and on the etiquette for voters with disabilities is also being incorporated.

Training on the new voting system:

The Department of State has held parish by parish and statewide training on the new voting system for local election officials, and provides support to each parish through the first two elections on the new voting system.

Voter Education:

In Act 286 of the 2003 Regular Session of the Louisiana Legislature, the Department of State was required to adopt rules and regulations relating to the annual voter registration week. On December 20, 2005, the rules that were adopted by the Secretary of State were published in the "Louisiana Register".

In August of 2005, the State of Louisiana conducted its first annual voter registration week (August 22-26, 2005) to inform the citizens of Louisiana as to voter registration and the voting process. The Department of State's Outreach Division and parish Registrars of Voters continued their voter registration and voting information process activities throughout 2005. In January of 2006, the Department of State compiled information from its Outreach Division and from the parish Registrars of Voters. A comprehensive report was provided to the Governor, President of the Louisiana Senate, Speaker of the Louisiana House of Representatives, Chairman of the Senate and Governmental Affairs Committee of the Louisiana Legislature, and the Chairman of the House and Governmental Affairs Committee of the Louisiana Legislature. In addition, a copy of the report was given to each parish Registrar of Voters.

The following information was printed and distributed to the citizens of Louisiana and to aging and disability consortiums:

"Your Voice Register and Vote: A How to Guide" – This brochure contains the information an individual will need on voter registration, voting, special handicap program, election poll workers, complaints, and contacts. The Department of State printed 50,000 copies of this brochure. All copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana. The Department of State currently is in the process of updating this brochure in time

for the annual voter registration week and for voter outreach programs to demonstrate the new voting systems for the fall of 2006.

"State of Louisiana Voting Rights for Individuals with Disabilities and Residents of Nursing Homes" – This brochure is printed in larger print with simplified verbiage. It contains information for individuals with disabilities concerning voter registration, voting, special handicap program, complaints, and contacts. The Department of State printed 5,000 copies of this brochure. All copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana. The Department of State currently is in the process of updating this brochure in time for the annual voter registration week and for voter outreach programs for the fall of 2006. In addition, the Department of State will hold eight large seminars statewide for individuals with disabilities to provide information and demonstrate the new voting systems with the audio voting keypad.

"State of Louisiana Assisting Persons with Disabilities and Residents of Nursing Homes with the Right to Vote" – This pamphlet provides more technical information for individuals with disabilities concerning voter registration, voting, special handicap program, complaints, and contacts. The Department of State printed 5,000 copies of this pamphlet. The majority of these copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana.

"Louisiana Voter Registration Facts" – This pamphlet contains information on voter registration in the State of Louisiana. The Department of State printed 50,000 copies of this pamphlet. The majority of these copies have been distributed to the Registrars of Voters, and the Department's Outreach Program for use at colleges, universities, community colleges, and high schools to encourage young individuals to register to vote in Louisiana.

"Guide to the Audio Voting Keypad" – This pamphlet is ready to be published and will be distributed statewide and used at the eight regional seminars for individuals with disabilities.

For 2006, the annual voter registration week will be held August 7-11, 2006, and the comprehensive report will provide guidance to the Registrars of Voters in conducting the annual voter registration week.

Help America Vote Advisory Committee

SECTION 13. A description of the committee which participated in the development of the State plan in accordance with Section 255 and the procedures followed by the committee under such Section and Section 256. (Section 254 (a)(13), 42 U.S.C. §15404(a)(13))

The Secretary of State named the following members to serve on the Louisiana Help America Vote Advisory Committee:

+Honorable Al Ater (Chairman)
Secretary of State
Department of State
P. O. Box 94125
Baton Rouge, LA 70804-9125
Secretary of State
Designee: Renee' Free

*Honorable Regina Barrow
State Representative
4305 Airline Highway
Baton Rouge, LA 70805
Representative of the Louisiana Legislative Women's Caucus

*Honorable Louie Bernard
Clerk of Court, Natchitoches Parish
P.O. Box 476
Natchitoches, LA 71458-0476
Representative of the Clerks of Court

*Honorable Cliff Dressel
Clerk of Court, St. Mary Parish
P.O. Drawer 1231
Franklin, LA 70538
Representative of the Clerks of Court Association
Designee: Mark Graffeo

*Ms. Dana Fairchild
831 Silver Lane
Port Allen, LA 70767
At Large Member

+Honorable Jon A. Gegenheimer
Clerk of Court, Jefferson Parish
924 David Drive
Metairie, LA 70003
Chief Local Election Official in the second largest state jurisdiction
Designee: Brian Freese

*Honorable Rick Gallot, Jr.
State Representative
P.O. Box 1117
Ruston, LA 71273-1117
Representative of the House & Governmental Affairs Committee of the Louisiana Legislature
Designee: Jennifer McGarr

+Mr. Cedric Grant (Vice Chairman)
1201 Capitol Access Road
Baton Rouge, LA 70804
At Large Member

+Honorable Charles D. Jones
State Senator
141 Desiard Street, Suite 315
Monroe, LA 71202
Chairman of the Senate & Governmental Affairs Committee of the Louisiana Legislature

+Mr. Ernest Ladd
106 Jackson Street
Franklin, LA 70538
Representative of the Louisiana NAACP

+Honorable Charles Lancaster
State Representative
P.O. Box 44486
Baton Rouge, LA 70804
Chairman of the House & Governmental Affairs Committee of the Louisiana Legislature
Designee: Trish Lowrey-Dufour

*Ms. Angie LaPlace
Commissioner of Elections
P.O. Box 94125
Baton Rouge, LA 70804
Representative of the Louisiana Department of State

*Honorable John Moreau
Registrar of Voters, St. Landry Parish
P.O. Box 818
Opelousas, LA 70571-0818
Representative of the Registrars of Voters

*Honorable Arthur Morrell
Clerk of the Criminal Court, Orleans Parish
2700 Tulane Ave., Room 115
New Orleans, LA 70119
Chief Local Election Official in the largest state jurisdiction
Designee: Teri MacMurray

+Honorable Angela M. Quienalty
Registrar of Voters, Calcasieu Parish
1000 Ryan Street, Room 7
Lake Charles, LA 70601-5250
Representative of the Registrars of Voters Association

*Honorable Cedric Richmond
State Representative
P.O. Box 44457
Baton Rouge, LA 70804
Representative of the Louisiana Legislative Black Caucus

*Honorable John Russell
Registrar of Voters, Tangipahoa Parish
P.O. Box 895
Amite, LA 70422-0895
Representative of the Registrars of Voters

+Ms. Lois V. Simpson, Executive Director
Advocacy Center
225 Baronne Street
New Orleans, LA 70112
Representative of the disabilities community

+Honorable Chris Ullo
State Senator
2150 Westbank Expressway, Suite 705
Harvey, LA 70058
Representative of the Senate & Governmental Affairs Committee of the Louisiana Legislature

+Honorable M. Dwayne Wall
Registrar of Voters, St. Tammany Parish
P.O. Box 1815
Covington, LA 70434-1815
Representative of the Registrars of Voters

*Ms. Erin Monroe Wesley
Assistant Executive Counsel
P.O. Box 94004
Baton Rouge, LA 70804-9004
Representative of the Governor's Office
Designee: Michelle Ducharme

+Member during the 2003 drafting of the State Plan.

*Member during the 2006 drafting of the Amended State Plan.

The Louisiana Help America Vote Advisory Committee met on June 29, 2006 to consider the draft of the Preliminary Amended State Plan, and adopted this plan by unanimous vote of the members present on June 29, 2006.

The Preliminary Amended State Plan was made available on the Department of State's website for public inspection and comment for more than thirty days prior to the submission of the amended plan on September 11, 2006. In addition, the Department of State published notice in the Official State Journal on July 6, 2006 that the Preliminary Amended State Plan was available at the office of the Department of State, Legal Division for public inspection and comment. The Department of State did not receive any public comments regarding the Preliminary Amended State Plan.

APPENDIX 1

ABSENTEE BALLOT INSTRUCTIONS

DEADLINES FOR REGISTRAR OF VOTERS TO RECEIVE ABSENTEE BALLOTS BY MAIL:

FOR Uniformed and Overseas Citizens	ELECTION DAY
For sequestered jurors	BEFORE POLLS CLOSE ON ELECTION DAY
For all others	THE DAY BEFORE ELECTION DAY

REGULAR ABSENTEE BALLOT (White)

Instructions for voting WHITE regular absentee ballot for primary election

1. Fill in all information required in the certificate on the white ballot envelope flap. DO NOT SIGN CERTIFICATE AT THIS TIME.
2. Follow instructions on the ballot to vote your ballot.

   NOTE: Be sure to completely fill in the oval to the right of your selection with a black lead pencil. If you incorrectly mark the ballot, erase the incorrect mark completely and make a new mark. If you are unable to make a change on the ballot or correct any error on the ballot and need a replacement ballot, notify the registrar of voters for your parish. If you make selections for more than the number of candidates to be elected for an office, or make selections both for and against a proposition, your selections for that office or proposition will be void.
3. Place ballot in white ballot envelope and seal. DO NOT DETACH FLAP.
4. **Sign the certificate on the flap in the presence of a notary public OR in the presence of two witnesses, who must also sign the certificate.**
5. Place the sealed ballot envelope in the return envelope addressed to the Registrar of Voters. Add postage, if necessary, and deposit it in the mail.
6. Your vote will be counted either by op-scan reader or manually.

SPECIAL ABSENTEE BALLOT (Green)

Instructions for voting GREEN special absentee ballot for general election - Uniformed and Overseas Citizens

(This ballot is the only ballot you will receive for the general election.)

1. Fill in all information required in the certificate on the green ballot envelope flap. DO NOT SIGN CERTIFICATE AT THIS TIME.
2. Vote your ballot as follows:
   a. In order to be certain that you will cast a vote that will be counted for a candidate who advances to the general election (runoff election) for a particular office, you must indicate your order of preference for each candidate by placing number one (1) in the box next to the name of the candidate who is your first choice, the number two (2) next to the name of the candidate who is your second choice, and so on until you have placed a number next to the name of each candidate. By numbering the candidates according to your order of preference, if your first choice candidate is eliminated in the primary and your second choice candidate advances to the general election, your second choice candidate will receive your vote and so on until your order of preference is exhausted.
   b. You may, but are not required to, number all of the candidates for an office on the ballot. However, if you choose to number only one candidate, for instance, and if that candidate does not advance to the general election, you will NOT have cast a vote for a candidate for that office in the general election.
3. Place ballot in green ballot envelope marked "SPECIAL ABSENTEE BALLOT-GENERAL ELECTION" and seal. DO NOT DETACH FLAP.

PROPOSED CONSTITUTIONAL AMENDMENT BALLOT: If you have been provided with a ballot containing a proposed constitutional amendment, you must be careful to return it in the proper envelope for tabulation. This ballot will reflect either the primary election date or the general election date. If it reflects the same date as the white regular absentee ballot for the primary election, place it in the white envelope. If it reflects the same date as the green special absentee ballot for the general election, place it in the green envelope.

4. **Sign the certificate on the flap in the presence of a notary public OR in the presence of two witnesses, who must also sign the certificate.**
5. Place the sealed ballot envelope in the return envelope addressed to the Registrar of Voters. Add postage, if necessary, and deposit it in the mail.
6. Your vote will be counted either by op-scan reader or manually.

ASSISTANCE TO VOTERS

A voter is entitled to receive assistance in voting if he is (1) unable to read, or (2) unable to vote without assistance because of a physical handicap, including blindness. Persons prohibited from assisting voters:

1. No candidate can assist a voter.
2. No employer or employer's agent can assist an employee.
3. No union agent can assist a union member.

Except as provided above, voters entitled to assistance in voting may receive the assistance of any person of his choice.

The person assisting the voter in signing his name or making his mark shall explain to the voter that a signature or mark so made constitutes certification that all statements in the certificate are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both. *(R.S. 18:1310 and 18:1461)*

APPENDIX 2

ACT 403 OF THE 2006 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

: Regular Session, 2006

ACT No. 403

HOUSE BILL NO. 909
BY REPRESENTATIVE BRUNEAU
1 AN ACT 2 To amend and reenact R.S. 18:104(A)(16)(introductory paragraph), 115(F)(2)(d)(ii), 132, 3 133(A), 401.3(D)(4), 425(B)(1), 426(A)(1), 434(B)(7), 441(B)(1), 533(A), 4 553(B)(1)(b) and (2), 564(D)(2), 571, 572(A)(1), 573(A)(2), 583(D)(1), 601, 654, 5 1309(B), 1313(F)(1), 1334(heading), 1351(12), 1353(C)(4), and 1355(12), (13), (14), 6 (15), (16), and (17), to enact R.S. 18:18(D), 101.1, 104(G), 115(F)(2)(d)(iii), 152.1, 7 425(A)(4), 1308.3(C), 1314(F), and 1351(13), and to repeal R.S. 18:1353(C)(5) and 8 1355(18), relative to the election code; to make changes to the election code; to 9 authorize the secretary of state to enter into certain agreements with other states; to 10 provide for procedures for verification of registration information; to provide relative 11 to the forms of identification an applicant may use when registering to vote; to 12 require the registrar to verify that a displaced person applying to vote absentee by 13 mail has not registered in another jurisdiction; to provide relative to the offices and 14 branch offices of the registrars of voters when an emergency has affected such 15 office; to provide relative to the re-creation of destroyed records of the registrar; to 16 provide relative to procedures for tabulating legislative ballots regarding the 17 secretary of state's emergency plan; to authorize and provide for the use of additional 18 commissioners from other parishes when a parish has a shortage due to an 19 emergency; to provide relative to the requirements for the selection of 20 commissioners; to provide relative to the requirements to have the political party 21 designation of a candidate on the ballot; to provide for certification of polling places 22 as handicapped accessible; to provide relative to the location of multiple precincts 23 within a polling location; to specify when the filling of an anticipated vacancy is 24 premature; to specify certain requirements for a notice of retirement or resignation to become effective; to provide for the beginning of legislative service for certain purposes; to provide relative to proof of eligibility to vote with assistance; to remove references to voting machines, equipment, and paraphernalia no longer in use; and to provide for related matters. Be it enacted by the Legislature of Louisiana: Section 1. R.S. 18:104(A)(16)(introductory paragraph), 115(F)(2)(d)(ii), 132, 133(A), 401.3(D)(4), 425(B)(1), 426(A)(1), 434(B)(7), 441(B)(1), 533(A), 564(D)(2), 583(D)(1), 601, 654, 1309(B), 1313(F)(1), and 1334(heading) are hereby amended and reenacted and R.S. 18:18(D), 101.1, 104(G), 115(F)(2)(d)(iii), 152.1, 425(A)(4), 1308.3(C), and 1314(F) are hereby enacted to read as follows:

§18. Secretary of state; powers and duties

* * *

D. The secretary of state may enter into cooperative agreements with other states to share voter registration information for purposes of determining whether a voter is registered in more than one state.

* * *

§101.1. Verification of registration information The voter registration information provided by the applicant shall be verified as follows:

A. Applicants who have a Louisiana driver's license, Louisiana special identification card, or social security number:

(1) The registration information provided by the applicant shall be verified to ensure that the Louisiana driver's license number, Louisiana special identification card number, or the last four digits of the social security number provided by the applicant match the information maintained by the Louisiana Department of Public Safety and Corrections or the Social Security Administration.

(a) If a match is made, the registrar of voters shall add the applicant to the official list of voters and the registrar shall send a notice of registration to the applicant.

(b) If a match cannot be made, the registrar of voters shall notify the applicant in writing and inform him that he has ten days from the date on which the verification letter was mailed to respond to the verification letter. If the applicant responds to the verification letter and the registrar determines that the registration information can be verified and that he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. In the event the applicant does not respond to the verification letter within ten days, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's verification letter is returned by the United States Postal Service, the application shall be rejected and the registrar shall attempt to notify the applicant of such action.

(c) In the event the applicant responds to the verification letter and the registrar determines that the registration information cannot be verified, the registrar shall notify the applicant in writing and inform him that he has ten days from the date on which the final verification letter was mailed to appear in person at the registrar of voters office to prove his identity. If the applicant appears in person and the registrar determines that the applicant is able to prove his identity and that he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. If the applicant fails to appear in person at the registrar of voters office or fails to prove his identity, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's final verification letter is returned by the United States Postal Service, the application shall be rejected and the registrar shall attempt to notify the applicant of such action.

B. Applicants who do not have a Louisiana driver's license, Louisiana special identification card, or social security number:

(1) The registration information provided by an applicant who does not have a Louisiana driver's license, Louisiana special identification card, or social security number shall be verified with one of the following:

(a) A copy of a current and valid photo identification.

(b) A copy of a current utility bill, bank statement, government check, paycheck, or other

government document that shows the name and address of the applicant.
(2) If the applicant has not provided the registration information required in this Subsection, the registrar of voters shall notify the applicant in writing of the missing information and inform him that he has ten days from the date on which the notice was mailed to provide the information. If the applicant provides the information and the registrar determines that he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. In the event the applicant does not respond to the request for the missing information within ten days, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's request for missing information is returned by the United States Postal Service, the application shall be rejected and the registrar shall attempt to notify the applicant of such action.

* * *

§104. Application for registration; form

A. The secretary of state, subject to approval by the attorney general as to content, shall prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote. The form shall contain spaces for at least the following information with respect to the applicant:

* * *

(16) Louisiana driver's license number or Louisiana special identification card number, if issued, or if no Louisiana driver's license or Louisiana special identification card has been issued, the last four digits of the social security number, if issued. The full social security number of the applicant may be provided on a voluntary basis by the applicant. If the applicant has neither a Louisiana driver's license number nor, a Louisiana special identification card, or a social security number, the applicant shall attach one of the following items to his application:

* * *

G. No voter registration application shall be complete unless the applicant provides one of the forms of identification provided for in Paragraph (16) of Subsection A of this Section.

* * *

§115. Registration by mail

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F.

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(2) The provisions of Paragraph (1) of this Subsection shall not apply in the case of the following:

* * *

(d)

* * *

(ii) When a person has submitted an application to vote absentee by mail pursuant to this Subparagraph, the registrar shall, prior to sending the absentee by mail ballot, contact the appropriate election official in the jurisdiction where the applicant has requested for his

absentee by mail ballot to be sent, attempt to verify that the person has not registered to vote in that jurisdiction, or if such jurisdiction has a statewide voter registration database, in that state. If the registrar finds that the person has registered in that jurisdiction or state, the person shall not be permitted to vote absentee by mail and the registrar shall proceed in accordance with the applicable provisions of Part V of this Chapter.

(iii) Upon expiration of the effectiveness of Item (i) of this Subparagraph, any voter who has voted absentee by mail pursuant to this Subparagraph who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered for purposes of Paragraph (1) of this Subsection and shall be subject to the requirements of that Paragraph.

* * *

§132. Offices furnished registrar; supplies; expenses

A. Except as otherwise provided by law, the governing authority of each parish shall furnish the office space required by law for the registrar and also shall be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of each office necessary to enable the registrar fully to discharge his duties. The parish governing authority shall provide space for the registrar's principal office in the courthouse or in close proximity thereto, and this office shall be accessible and convenient to the residents of the parish. The space to be used for this office shall be specifically designated by the parish governing authority, which shall designate adequate space to enable the registrar to fully discharge his duties. No other official or unit of government shall have authority to designate or allocate such office space. Before the expenses are paid, the registrar shall furnish the head of the parish governing authority a budget of anticipated expenses for each succeeding year.

B. If the office of the registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

§133. Branch offices; mobile registration units; mandatory registration drives

A. All branch offices, whether temporary or permanent, shall be located in permanent buildings, except mobile registration units. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office until an office that meets the requirements of this Section becomes available. Such branch office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

* * *

§152.1. Destruction of records of the registrar of voters

If original records of a registrar of voters are destroyed as a result of catastrophic loss or damage, every attempt shall be made to re-create the records. Computer records

from the secretary of state's database shall be deemed the original records until such time as the records can be re-created.

* * *

§401.3. Emergency plan by secretary of state; gubernatorial and legislative approval

* * *

D.

* * *

(4) On At any time after the deadline for submitting the ballots as provided in Paragraph (3) of this Subsection, but prior to the seventeenth eighteenth day after the date on which the ballots were mailed, or prior to the seventh eighth day after the date on which the ballots were delivered to the members of the legislature in session as provided in this Subsection, the secretary of the Senate and the clerk of the House of Representatives shall, at a public meeting, jointly open and tabulate the vote in roll call order for each house of the legislature. The clerk and the secretary shall hold such ballots unopened and shall not disclose the contents to any person until the day when such ballots are opened and tabulated. The tabulation sheet shall indicate by name each member who voted in favor of the plan, each member who voted against the plan, each member who did not return the ballot by the deadline, and each member whose ballot was invalid because it was not marked or signed by the member. The secretary of the Senate and the clerk of the House of Representatives shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

* * *

§425. Commissioners

A.

* * *

(4) For an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency, if a parish board of election supervisors determines that there is a parishwide shortage of commissioners because a significant number of commissioners have been temporarily displaced due to such emergency, the board may submit a written request to the secretary of state, on or before the twenty-third day prior to an election, for additional commissioners from other parishes. The written request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. If the secretary of state determines that there is a need for additional commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall approve the request and notify the parish board of election supervisors of the parish affected by the emergency. The board of such affected parish shall request the parish boards of election supervisors to submit lists of available commissioners by the fifteenth day prior to the election. The board of the affected parish shall select commissioners to serve in the affected parish from such lists based on availability, proximity and, to the extent possible, the requirements for representation based on recognized political party affiliation as provided for in R.S. 18:434(B)(7). The clerk of court of the affected parish shall ensure that the selected commissioners have received adequate training on the voting machines

that are used in the affected parish and on any procedures necessary for the conduct of the election. The selected commissioners, upon approval by the secretary of state, shall be entitled to appropriate reimbursement for travel expenses.

B. Qualifications and classifications. (1) A qualified voter who is not entitled to assistance in voting and is not a candidate in the election may be selected as a commissioner in any precinct of the ward where he is registered to vote, except pursuant to R.S. 18:434(B) and (D) in which case he may be selected as a commissioner in any precinct of the parish where he is registered to vote or as otherwise provided in Paragraph (4) of Subsection A of this Section.

* * *

§426. Alternate commissioners; qualifications, powers, and duties; oath and compensation

A. Qualifications. (1) A qualified voter who is not entitled to assistance in voting and is not a candidate in the election may be selected as an alternate commissioner in any precinct of the ward where he is registered to vote, except pursuant to R.S. 18:434(D) in which case he may be selected as a commissioner in any precinct of the parish where he is registered to vote or as otherwise provided in R.S. 18:425(A)(4).

* * *

B.

* * *

(7) When the appropriate number of commissioners have been selected, as provided in Paragraphs (4), (5), and (6) of this Subsection, the person conducting the drawing shall determine if each recognized political party recognized pursuant to R.S. 18:441(C) having one or more local or municipal candidates on the ballot to be voted on in the precinct is represented by at least one commissioner. If none, one ball shall be set aside for each recognized political party recognized pursuant to R.S. 18:441(C) thus still to be represented, beginning with the last ball drawn for a person affiliated with a recognized political party recognized pursuant to R.S. 18:441(C) that has more than one commissioner at the precinct. The drawing shall continue until one of the persons affiliated with each of such political parties is selected, unless there are no remaining certified commissioners in the parish to represent such political parties.

* * *

§441. Recognition

* * *

B.(1) A political party shall be recognized if ninety days prior to the opening of the qualifying period for any election at least one thousand registered voters in the state are registered as being affiliated with such political party; such political party has filed a notarized registration statement as described in Paragraph (2) of this Subsection with the secretary of state; and the political party has paid a registration fee of one thousand dollars to the secretary of state upon filing the registration statement. The political party designation of a candidate shall not be listed on the ballot unless the political party was recognized prior to the close of qualifying for the office the candidate is seeking.

* * *

§533. Establishment and location of polling places; responsibility for

acts or omissions

A. Establishment. (1) The governing authority of each parish shall establish one polling place for each precinct. Each polling place shall be equipped with proper electric current, fixtures, and outlets necessary to properly operate the voting machines and otherwise to conduct the election. Each polling place shall have sanitary facilities available. The governing authority shall certify to the secretary of state that each polling place meets the accessibility standards for individuals with disabilities adopted by the secretary of state.

(2) The parish governing authority shall, to the extent possible, locate multiple precincts in a polling location, if it determines after due consideration that to locate multiple polling places within the same polling location would be efficient, cost-effective, and convenient to voters.

* * *

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§564. Assistance in voting * * *

D. * * *

(2) A voter shall also be entitled to assistance without having filed with the registrar a statement setting forth the necessity and reasons for this assistance if, on election day, the voter presents to the commissioner-in-charge a physician's certificate indicating the voter's inability to vote without assistance because of a physical handicap, or a current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4. The commissioner-in-charge shall place the any physician's certificate presented by a voter in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register.

* * *

§583. Procedure for anticipated vacancies

* * *

D.(1) An appointment to fill an anticipated vacancy shall be made at the time the office is actually vacated and such appointment shall be made in accordance with the provisions of law applicable to the filling of vacancies in the affected office. An appointment to fill an anticipated vacancy that is made prior to the time the office is actually vacated is premature and without effect.

* * *

§601. Vacancy in office of state legislators; legislative service

A. If a vacancy in the office of a state legislator occurs and if six months or more of the term remains unexpired, then within ten days of the vacancy occurring, the presiding officer of the house in which the vacancy occurs shall determine the dates of the primary and general elections and the dates of the qualifying period for the election and shall issue a proclamation advising of the vacancy and setting forth the election dates and dates of the qualifying period for candidates. However, if the deadline for issuing the proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing such proclamation. The speaker of the House of Representatives or the president of the Senate shall immediately forward such information to the secretary of state, who shall

within twenty-four hours after receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The secretary of state shall also publish the proclamation in the official journal of each parish in which the election is to be held.

B. For purposes of Article III, Section 4(E) of the Constitution of Louisiana only, the service of a person who is elected to fill an unexpired term in the office of state legislator shall begin at the time such person takes the oath of office before his house of the legislature.

* * *

§654. Effect of filing of resignations

A. Except for members of the legislature, a notice of retirement or resignation shall not be effective until the original notice of retirement or resignation is received by the secretary of state and shall become irrevocable upon such receipt by the secretary of state.

B. A notice of retirement or resignation of a member of the legislature shall become irrevocable upon receipt by the presiding officer of the house of the legislature to which the member was elected.

* * *

§1308.3. Special provision for temporarily displaced persons

C. When a person has submitted an application to vote absentee by mail pursuant to this Section, the registrar shall, prior to sending the absentee by mail ballot, contact the appropriate election official in the jurisdiction where the applicant has requested for his absentee by mail ballot to be sent, attempt to verify that the person has not registered to vote in that jurisdiction, or if such jurisdiction has a statewide voter registration database, in that state. If the registrar finds that the person has registered in that jurisdiction or state, the person shall not be permitted to vote absentee by mail and the registrar shall proceed in accordance with the applicable provisions of Part V of Chapter 4 of this Code.

§1309. Early voting application and early voting

* * *

B. For the purpose of facilitating early voting, the registrar may designate, in addition to the location for early voting provided in Subsection A hereof, one branch office wherein early voting may be conducted. Any such branch office shall be located in a public building and the hours during which early voting may be conducted therein shall be fixed by the registrar as provided in Subsection A of this Section. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

* * *

§1313. Tabulation and counting of absentee by mail and early voting ballots

* * *

F. The procedure for counting absentee by mail or early voting ballots shall be as follows:

(1) A member of the board shall remove the envelopes containing the absentee by mail and early voting ballots and early voting absentee applications from the special absentee by mail and early voting ballot envelope.

* * *

§1314. Absentee by mail and early voting commissioners

* * *

F. For an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency, if a parish board of election supervisors determines that there is a parishwide shortage of absentee by mail and early voting commissioners because a significant number of absentee by mail and early voting commissioners have been temporarily displaced due to such emergency, the board may submit a written request to the secretary of state for additional absentee by mail and early voting commissioners from other parishes in the same manner as provided in R.S. 18:425(A)(4). Approval, selection, training, and reimbursement of expenses of such absentee by mail and early voting commissioners shall be in the same manner as provided in R.S. 18:425(A)(4). Nothing in Subsection A of this Section shall prohibit an absentee by mail and early voting commissioner from serving in another parish pursuant to this Subsection.

* * *

§1334. Electioneering in connection with early voting in nursing homes; enforcement; penalty

* * *

Section 2. R.S. 18:553(B)(1)(b) and (2), 571, 572(A)(1), 573(A)(2), 1351(12), 1353(C)(4), and 1355(12), (13), (14), (15), (16), and (17) are hereby amended and reenacted and R.S. 18:1351(13) is hereby enacted to read as follows:

§553. Inspection and preparation of voting machines at polling places; precinct registers and supplemental list

* * *

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

* * *

(1)

* * *

(b) If the numbers do not agree, the commissioners shall notify the parish custodian, and the commissioners shall not proceed further in the preparation of the voting machine for voting until a representative of the parish custodian has reexamined the voting machine and certified that it is properly arranged. If the numbers agree, the commissioners shall open the envelope, take out the keys, and open the door. On mechanical voting machines incapable of producing printed ~~results, the commissioner shall open the doors concealing the counters.~~

(2)(a) On mechanical voting machines incapable of producing printed ~~results, the~~

~~commissioners shall carefully examine each counter and determine that it registers zero. If a counter other than the protective counter does not register zero, the commissioners shall immediately notify the parish custodian, who shall, if practical, cause the counters to be readjusted to zero. If it is impractical to readjust the counters before the polls open, the commissioners shall immediately make a written statement of the letter and number designating each counter and the number registered on the counter. The commissioners shall post this statement at the polling place throughout the election. When the commissioners count and tabulate the votes, they shall subtract the number registered on the counter before the polls opened from the number registered on that counter after the termination of voting. The commissioners shall preserve the written statement as part of the election returns.~~

(b) On printer-type mechanical and electronic voting machines, the The commissioners shall cause each machine to produce a zero proof sheet. Determine from the zero proof sheet that each counter on that machine is set at zero. Sign and certify to the correctness of each zero proof sheet. Immediately post each zero proof sheet within the polling place. If any zero proof sheet is illegible or damaged, immediately notify the parish custodian who will take action necessary to make the machine operative. If any zero proof sheet indicates that any candidate or question counter does not register zero, immediately notify the parish custodian, who will, if practical, readjust the counters. If it is impractical to readjust the counters before the polls open, immediately make a written statement of the letter and number designation on each counter and the number registered on the counter. Post this statement at the polling place throughout the election and preserve the statement as part of the election returns.

* * *

§571. Counting and tabulating the votes

A. At the termination of voting in a primary or general election, the commissioners shall announce that voting is terminated. The commissioners in the presence of the watchers shall immediately:

(1) Secure the voting machines against further voting and expose the count on the voting machines, leaving the counter in full view of the watchers.

~~(2) For mechanical voting machines, seal each voting machine with the seal provided, so that the voting and counting mechanism cannot operate.~~

(3)(2)(a) Cause each voting machine to produce a set of four identical final result tally sheets, except that when a consolidation cartridge is used only three identical final result tally sheets from each machine shall be produced.

(b) If a consolidation cartridge is used, cause the consolidation cartridge to produce a set of four identical consolidation election result sheets.

(c) Examine, sign, and certify each set of final result tally sheets and, if produced, consolidation election result sheets.

~~(d) If tabulation blank and compiled statement forms are used, transcribe the vote from each voting machine from the final result tally sheet to the tabulation blank and compiled statement forms.~~

(e)(d) If a voting machine produces a set of final result tally sheets or consolidation election result sheets which is illegible or damaged, notify the parish custodian of voting machines who shall provide technical assistance in obtaining the election results from such machine.

(4)(3)(a) Complete in triplicate Certificate No. 2 of the composite certificate designated "Machine Certificates", which shall state (i) that the voting machines were secured against further voting, (ii) the exact time the voting machines were secured against further voting, (iii) the number on each voting machine, (iv) the number shown on the public counter of each voting machine, which shall be the total number of votes cast on that machine in the election, and (v) the number shown on the protective counter of each voting machine, and (vi) for mechanical voting ~~machines, the number of the seal used on each voting machine~~.

(b) Sign the completed machine certificates.

(5)(4) Sign and certify to the correctness of the duplicate poll lists.

~~(6) In parishes in which tabulation blank and compiled statement forms are used, complete in duplicate two separate compiled statements of the election results at the proper place on the combined tabulation blank and compiled statement forms; and sign and certify as correct both originals and both duplicates of the combined tabulation blank and compiled statement forms.~~

(7)(5) Announce the results of the election in the order the offices, candidates, and propositions are listed on the ballot, announce that the results of the election will be posted at the polling place for public review, and post the results of the election at a conspicuous place at the polling place for public viewing.

~~(a) For mechanical voting machines, post one of the duplicate tabulation blank and compiled statement forms or one copy of the final result tally sheet for each voting machine.~~

(b) For electronic machines, (i) if If no consolidation election result sheet is produced, post one copy of the final result tally sheet for each voting machine, or

(ii) if a consolidation election result sheet is produced, post one copy of the consolidation election result sheet.

(8)(6) Complete in duplicate the list of commissioners. The list of commissioners shall contain the name, address, and social security number of each commissioner and the commissioner-in-charge who served at the polling place and shall be signed by each commissioner and the commissioner-in-charge. The commissioner-in-charge shall indicate beside the signature of each commissioner whether he attended the special school held prior to the election as required by the provisions of R.S. 18:431(B).

(9) (7) Place the duplicate list of commissioners, all duplicate records of challenges, all duplicate affidavits of voters, any physicians' certificates, and any address confirmation cards in the envelope marked "Registrar of Voters", seal it and attach it to the precinct register; seal the precinct register.

(10) (8) Seal any original affidavits of voters and original challenges of voters that have been executed; one of the original tabulation blank and compiled statement forms, if produced; the zero proof sheet; one copy of the final result tally sheets; one copy of the consolidation election result sheet, if produced; one of the duplicate poll lists; and a copy of the machine certificates in the envelope marked "Put in Voting Machine"; and place in or attach to a voting machine that envelope and the sealed precinct register.

(11) (9)(a) If applicable, lock the doors of the voting machines.

(b) If the voting machines do not have doors, secure the voting machines and election paraphernalia in accordance with the procedures in the informational pamphlet as provided in R.S. 18:553.1.

(12) (10) Where applicable, place the keys to the voting machines in an envelope, which then shall be sealed and signed by all of the commissioners.

B. The zero proof sheets; the original tabulation blank and compiled statement forms, if produced; final result tally sheets from each voting machine; and the consolidation election result sheets, if produced, shall be the official election results and shall form a part of the official election returns.

§572. Transmission of election returns; voting machine keys; machine certificates

A.(1) Upon completion of the counting and tabulating of votes, the commissioner-in-charge shall immediately:

(a) Mail to the secretary of state the following:

~~(i) One of the duplicate tabulation blank and compiled statement forms, if produced.~~

(ii) (i) One copy of the final result tally sheets.

(iii) (ii) One copy of the consolidated election result sheets, if produced.

(iv) (iii) One of the duplicate poll lists.

(v) (iv) One copy of the machine certificates.

(b) Deliver to the clerk of court the following:

(i) The keys to the voting machines, if applicable.

(ii) The original of the machine certificates.

(iii) The original of the signed list of commissioners.

~~(iv) One of the original tabulation blank and compiled statement forms, if produced.~~

(v) (iv) One copy of the final result tally sheets.

(vi) (v) One copy of the consolidation election result sheet, if produced.

(vii) (vi) All election result cartridges, if applicable.

* * *

§573. Evidence of election results

A.

* * *

(2) On the day immediately preceding the election, the clerk of court shall prominently post in his office a notice of the time and place where the voting machines will be opened after the election. If no order requiring an earlier opening has been issued, then at the time and place designated in the notice, the clerk of court, assisted by at least one member of the parish board of election supervisors, in the presence of the candidates or their representatives who desire to be present, shall open the voting machines and, if applicable, break the seals. Public and protective counter numbers shall be recorded and for machines other than printer type or ~~electronic, election results shall be recorded~~. Verification of the election results on each machine, as provided for in Subsection B and subject to Subsection C of this Section, shall be completed before another machine is opened.

* * *

§1351. Definitions As used in this Chapter, unless otherwise specified, the following terms shall have the meanings herein ascribed to each:

* * *

(12) "Voting machine" means the enclosure occupied by the voter when voting, as formed by the machine, its screen and privacy shield, which shall include mechanical and electronic voting machines.

~~(a) "Mechanical voting machine" means a voting machine that displays a full-faced ballot and whereby votes are cast by moving a lever.~~
(b) (13) "Electronic voting machine" means a voting machine that displays a full-face ballot, whereby votes are cast by pushing a vote indicator button on the face of the machine or a voting machine that displays a paging ballot, whereby votes are cast by selecting a vote indicator by touching the screen or using available tools on the voting system.

* * *

§1353. Secretary of state; powers and duties; voting machines; voter registration

* * *

C. In addition to any other duties and functions now or hereafter provided by law, the secretary of state shall:

* * *

~~(4) For mechanical voting machines, furnish for each polling place for each election a model showing the face of a voting machine as it is to be used in the election and a card of instructions to voters and commissioners, and also furnish a seal, if required, for sealing each machine after the termination of voting.~~
(5) (4) Prepare all machines necessary for each election and deliver the machines and other election supplies, in addition to those supplies he is required to supply to the parish custodian under R.S. 18:552, to the custody of the parish custodian in complete readiness for use at the polls.

* * *

§1355. Construction and equipment of machines; requirements Each voting machine used in an election shall be so constructed and equipped as to:

* * *

~~(12) For mechanical voting machines only, be provided with a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.~~
(13) (12) Contain a gong or other sound creating device which will audibly indicate that a voter has left the machine after casting his vote.
(14) (13) Contain, for elections for president and vice president, those devices needed in order to comply with R.S. 18:1259.
(15) (14) Have a lighting device which provides sufficient light to enable voters to read the ballot and to enable the election commissioners to examine the counters or tabulators.
(16) (15) Be provided with a screen, hood, or curtain which is so made and can be so adjusted as to protect the privacy of the voter while voting.
(17) (16) For a mechanical voting machine, be capable of being operated manually. For an electronic voting machine, be capable of being operated by battery power.
(18) (17) Be incapable of being reset, altered, or used except by operating the machine.

* * *

Section 3. R.S. 18:1353(C)(5) and 1355(18) are hereby repealed in their entirety. Section 4.(A) This Section and Section 1 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the

Constitution of Louisiana. If vetoed by the governor and subsequently approved

HB NO. 909 **ENROLLED** 1 by the legislature, this Section and Section 1 of this Act shall become effective on the day 2 following such approval. 3 (B) Sections 2 and 3 of this Act shall become effective on January 1, 2007.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA
APPROVED:

APPENDIX 3

LOUISIANA MAIL VOTER REGISTRATION APPLICATION

USE THIS FORM TO: 1) register to vote 2) change your address 3) request a name change 4) change party affiliation

TO REGISTER TO VOTE AND BE ELIGIBLE TO VOTE YOU MUST: 1) be a United States citizen 2) be at least 17 years old to register but must be 18 years old to vote 3) not be under an order of imprisonment for conviction of a felony 4) not be under a judgment of full interdiction or limited interdiction where your right to vote has been suspended 5) reside in the state and parish in which you seek to register and vote.

INSTRUCTIONS FOR COMPLETING THIS FORM: All information except your signature should be printed clearly in ink, preferably black, or typed. Fill in all boxes that apply to you.

Box 1: Indicate whether you are a citizen of the United States of America. Indicate whether you will be 18 years of age on or before election day.

Box 2: Provide full name. Do not use initials for middle or maiden name.

Box 3: 'Residence Address' means the address where you live and are registering to vote. If you claim a homestead exemption, you must list the address of that residence. Do not use a post office box for your 'Residence Address'. If you use a rural route and box number, draw a map in the space labeled 'Give Location.' Write in the names of the crossroads (streets) nearest to where you live. Draw an X to show where you live. Use a dot to show any schools, churches, stores or landmarks near where you live and write the name of the landmark. Complete 'Mailing Address' only if it is different from the 'Residence Address'.

Box 4: Provide your age.

Boxes 6 & 16: You must provide your Louisiana driver's license number, if issued. If not issued, you must provide at least the last four digits of your social security number, if issued. The full social security number may be provided on a voluntary basis. If neither a social security number nor a Louisiana driver's license number has been issued, and this form is submitted by mail, and you are registering to vote for the first time, in order to avoid additional identification requirements for first time voters, attach either a) a copy of a current and valid photo identification or b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

Boxes 8, 11 & 12: The items 'race/ethnic origin', 'daytime phone' and 'home phone' are not required but are helpful.

Box 9: If you do not complete this item, your party affiliation will be listed as 'none'. If you are not affiliated with a political party, please circle 'none'. The recognized political parties are Democrat, Republican, Libertarian, Green and Reform or you may specify any other party affiliation.

Box 17: If you are using this form to request a change of name, you must print the name to be changed here.

Box 19: Date and sign the card with your signature or mark.

If returned by mail, either complete the 'Mail to:' box found on the reverse side or place in an envelope, using the address of the appropriate registrar of voters found on the reverse side. If you have not been issued a social security number or Louisiana driver's license number, you must mail it in an envelope so that you can include the required documentation with your application. Your application or envelope must be postmarked 30 days prior to the first election in which you seek to vote based on the residence listed on this application.

NOTE: 1. If you decline to register to vote, this fact will remain confidential and will be used only for voter registration purposes. If you register to vote, the office where your application was submitted will remain confidential and will be used only for voter registration purposes. 2. Your social security number will also remain confidential and is intended to be used for voter registration purposes only.

QUESTIONS? Call your Parish Registrar of Voters OR call the Department of State at **1-800-825-3805 or (225) 922-0900.**

COMPLETE AND CHECK ALL APPLICABLE BOXES AND TEAR ALONG PERFORATED LINE BEFORE MAILING.

LOUISIANA MAIL VOTER REGISTRATION APPLICATION FORM # 0110

OFFICIAL USE ONLY
COMP REG # _____ Reg Type _____ Wd / Dist _____ Pct _____ In _____ Out _____

1 Are you a citizen of the United States of America? YES ☐ NO ☐ Will you be 18 years of age on or before election day? YES ☐ NO ☐
If you checked 'no' in response to either of these questions, do not complete this form.

2 NAME OF APPLICANT (PLEASE PRINT NAME)
LAST FIRST FULL MIDDLE OR MAIDEN

GIVE LOCATION

3 RESIDENCE ADDRESS (MUST BE ADDRESS WHERE YOU CLAIM HOMESTEAD EXEMPTION, IF ANY)
HOUSE OR APT. NO. & STREET (IF RURAL, ROUTE & BOX NO.) CITY OR TOWN STATE ZIP

MAILING ADDRESS, IF DIFFERENT

4 AGE 5 DATE OF BIRTH MONTH DAY YEAR

6 LA DRIVER'S LICENSE / I.D. # (CIRCLE ONE)
NO
YES # _____

7 SEX (CIRCLE ONE) MALE FEMALE

8 ** RACE / ETHNIC ORIGIN (CIRCLE ONE)
WHITE BLACK ASIAN HISPANIC AMER. INDIAN
OTHER: _____

9 PARTY AFFILIATION (CIRCLE ONE)
DEM REP LIB GRN REF NONE
OTHER (SPECIFY) _____

10 APPLICANT'S PLACE OF BIRTH
CITY OR TOWN PARISH OR COUNTY STATE COUNTRY

11 ** DAYTIME PHONE
( )

12 ** HOME PHONE
( )

13 LAST RESIDENCE ADDRESS
ADDRESS

14 PLACE OF LAST REGISTRATION
PARISH OR COUNTY STATE

15 MOTHER'S MAIDEN NAME

16 * SOCIAL SECURITY # (CIRCLE ONE)
NO
YES # _____

17 FORMER REGISTERED NAME, IF APPLICABLE

18 Will you require assistance at the polls? (CIRCLE ONE)
NO YES IF YES, GIVE REASON:

AFFIRMATION: I do hereby solemnly swear or affirm that I am a United States citizen, that I am at least 17 years old, that I am not currently under an order of imprisonment for conviction of a felony, that I am not currently under a judgment of full interdiction or limited interdiction where my right to vote has been suspended, that I am a bona fide resident of this state and parish, and that the facts given by me on this application are true to the best of my knowledge and belief. If I have provided false information, I may be subject to a fine of not more than $1,000 ($2,500 for subsequent offense) or imprisonment for not more than 1 year (5 years for subsequent offense), or both. Any false statement may constitute perjury.

19 SIGN YOUR NAME IN BOX AT RIGHT.

DATE: _____ / _____ / _____

20 IF YOU ARE UNABLE TO SIGN YOUR NAME, TWO WITNESSES TO YOUR MARK MUST SIGN HERE.
SIGNATURE: SIGNATURE:

* Last 4 digits of the social security number required if no LA driver's license issued; social security number is intended to be used for voter registration purposes only; full # OPTIONAL. ** OPTIONAL LR-1M (REV.10/05) R.S. 18:104 FORM #0110

ACADIA
Courthouse - #115
Crowley, LA 70526-4363
(337) 788-8841
ALLEN
P. O. Box 150
Oberlin, LA 70655-0150
(337) 639-4966
ASCENSION
828 S. Irma Blvd. - #205
Gonzales, LA 70737-3631
(225) 621-5780
ASSUMPTION
P. O. Box 578
Napoleonville, LA 70390-0578
(985) 369-7347
AVOYELLES
312 N. Main St. - #E
Marksville, LA 71351-2409
(318) 253-7129
BEAUREGARD
P. O. Box 952
DeRidder, LA 70634-0952
(337) 463-7955
BIENVILLE
P. O. Box 697
Arcadia, LA 71001-0697
(318) 263-7407
BOSSIER
P. O. Box 635
Benton, LA 71006-0635
(318) 965-2301
CADDO
P. O. Box 1253
Shreveport, LA 71163-1253
(318) 226-6891
CALCASIEU
1000 Ryan St. - #7
Lake Charles, LA 70601-5250
(337) 437-3572
CALDWELL
P. O. Box 1107
Columbia, LA 71418-1107
(318) 649-7364

CAMERON
P. O. Box 1
Cameron, LA 70631-0001
(337) 775-5493
CATAHOULA
P. O. Box 215
Harrisonburg, LA 71340-0215
(318) 744-5745
CLAIBORNE
507 W. Main - Suite 1
Homer, LA 71040-3914
(318) 927-3332
CONCORDIA
4001 Carter St. - #4
Vidalia, LA 71373-3021
(318) 336-7770
DESOTO
105 Franklin St.
Mansfield, LA 71052-2046
(318) 872-1149
E. BATON ROUGE
222 St. Louis - #201
Baton Rouge, LA 70802-5860
(225) 389-3940
E. CARROLL
400 First St.
Lake Providence, LA 71254
(318) 559-2015
E. FELICIANA
P. O. Box 488
Clinton, LA 70722-0488
(225) 683-3105
EVANGELINE
200 Court St. - Ste. 102
Ville Platte, LA 70586-4463
(337) 363-5538
FRANKLIN
Courthouse
6560 Main St.
Winnsboro, LA 71295-2750
(318) 435-4489
GRANT
Courthouse
200 Main St.
Colfax, LA 71417-1828
(318) 627-9938

IBERIA
300 Iberia St. - #110
New Iberia, LA 70560-4543
(337) 369-4407
IBERVILLE
P. O. Box 554
Plaquemine, LA 70765-0554
(225) 687-5201
JACKSON
500 E. Court - #102
Jonesboro, LA 71251-3400
(318) 259-2486
JEFFERSON
P. O. Box 10494
Jefferson, LA 70181-0494
(504) 736-6191
JEFFERSON DAVIS
Courthouse
300 State St.
Jennings, LA 70546-5361
(337) 824-0834
LAFAYETTE
1010 Lafayette - #313
Lafayette, LA 70501-6885
(337) 291-7140
LAFOURCHE
307 W. 4th St. - #101
Thibodaux, LA 70301-3105
(985) 447-3256
LASALLE
P. O. Box 2439
Jena, LA 71342-2439
(318) 992-2254
LINCOLN
100 W. Texas Ave. - #10
Ruston, LA 71270-4463
(318) 251-5110
LIVINGSTON
P. O. Box 968
Livingston, LA 70754-0968
(225) 686-3054
MADISON
100 N. Cedar St.
Tallulah, LA 71282-3892
(318) 574-2193

MOREHOUSE
129 N. Franklin
Bastrop, LA 71220-3815
(318) 281-1434
NATCHITOCHES
P. O. Box 677
Natchitoches, LA 71458-0677
(318) 357-2211
ORLEANS
1300 Perdido - #1W23
New Orleans, LA 70112-2127
(504) 658-8300
OUACHITA
400 St. John - #106
Monroe, LA 71201-7342
(318) 327-1436
PLAQUEMINES
P. O. Box 989
Port Sulphur, LA 70083-0989
(985) 564-2761
POINTE COUPEE
211 E. Main - #103
New Roads, LA 70760-3661
(225) 638-5537
RAPIDES
701 Murray St.
Alexandria, LA 71301-8099
(318) 473-6770
RED RIVER
P. O. Box 432
Coushatta, LA 71019-0432
(318) 932-5027
RICHLAND
P. O. Box 368
Rayville, LA 71269-0368
(318) 728-3582
SABINE
400 Capitol St. - #107
Many, LA 71449-3099
(318) 256-3697
ST. BERNARD
8201 W. Judge Perez - Rm. 104
Chalmette, LA 70043-1696
(504) 278-4231

ST. CHARLES
P. O. Box 315
Hahnville, LA 70057-0315
(985) 783- 2731
ST. HELENA
P. O. Box 543
Greensburg, LA 70441-0543
(225) 222-4440
ST. JAMES
P. O. Box 179
Convent, LA 70723-0179
(225) 562-2330
ST. JOHN
1801 W. Airline Hwy - #112
LaPlace, LA 70068-3344
(985) 652-9797
ST. LANDRY
P. O. Box 818
Opelousas, LA 70571-0818
(337) 948-0572
ST. MARTIN
Courthouse
415 S. Main
St. Martinville, LA 70582-4549
(337) 394-2204
ST. MARY
500 Main St. - #301
Franklin, LA 70538-6144
(337) 828-4100
ST. TAMMANY
701 N. Columbia St.
Covington, LA 70433-2709
(985) 809-5500
TANGIPAHOA
P. O. Box 895
Amite, LA 70422-0895
(985) 748-3215
TENSAS
P. O. Box 183
St. Joseph, LA 71366-0183
(318) 766-3931
TERREBONNE
P. O. Box 9189
Houma, LA 70361-9189
(985) 873-6533

UNION
P. O. Box 235
Farmerville, LA 71241-0235
(318) 368-8660
VERMILION
100 N. State St. - #120 Abbeville, LA 70510
(337) 898-4324
VERNON
P. O. Box 626
Leesville, LA 71496-0626
(337) 239-3690
WASHINGTON
900 Washington St. - #105
Franklinton, LA 70438-1719 (985) 839-7850
WEBSTER
P. O. Box 674
Minden, LA 71058-0674
(318) 377-9272
W. BATON ROUGE
P. O. Box 31
Port Allen, LA 70767-0031
(225) 336-2421
W. CARROLL
P. O. Box 71
Oak Grove, LA 71263-0071
(318) 428-2381
W. FELICIANA
P. O. Box 2490
St. Francisville, LA 70775-2490
(225) 635-6161
WINN
Courthouse - Room 105
Winnfield, LA 71483-3238
(318) 628-6133

PLACE STAMP HERE

OFFICIAL USE ONLY

Address Change

Name Change

Party Change

Remarks

Circle One: PA MV RG SDA SS

Received by:

REGISTRAR OF VOTERS

SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

August 16, 2006

SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

August 16, 2006

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

Marci Andino, Executive Director

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

August 24, 2006

Mr. Edgardo Cortes
Election Research Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite 1100
Washington, DC 20005

Dear Mr. Cortes:

This letter certifies that, through consultation and coordination with Ms. Marci Andino, Executive Director of the State Election Commission, the attached 2006 South Carolina State Plan is in compliance with the applicable laws and requirements of the Help America Vote Act of 2002.

Sincerely,

Mark Sanford

MS/ma.kh

Enclosure

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Executive Summary by the Executive Director

I am pleased to offer the South Carolina 2006 State Plan for implementing the Help America Vote Act of 2002 (HAVA). This State Plan, developed with the valuable help of the HAVA State Plan Task Force and updated each year by the HAVA State Plan Advisory Team, establishes a framework for achieving compliance with HAVA.

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

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

The goals of the South Carolina State Plan were accomplished by January 2006, utilizing State and Federal funding. This accomplishment was realized because of the combined efforts of state and county organizations and affects every voter in South Carolina. The long-term impact of HAVA will be felt throughout the State for many elections to come.

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

Marci Andino

Marci Andino
Executive Director
South Carolina State Election Commission

Introduction

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

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

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

- Rewrite the current statewide voter registration system
- Establish a statewide uniform voting system

South Carolina has already secured state funds and is in the process of rewriting the voter registration system. The statewide uniform voting system and related improvements are the top priority to be met through the HAVA State Plan. As a result of these combined efforts, South Carolina's vision of a high-capability, comprehensive statewide voting program will be realized.

State Plan

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

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

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

1. Meeting Title III Requirements and Other Activities

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

1.1 Current Status

Voter Registration System

South Carolina has had a statewide voter registration system in place since 1968. The capability of this system was expanded in 1992 to connect all counties via interactive access to the voter registration system. A project to re-write the system using web based technology is currently on hold.

Training

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

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

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

South Carolina Election Systems in Use Prior to November 2004

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

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

South Carolina Election Systems by County Prior to 2004

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

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

1.2 Voting System Options Considered

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

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

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

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

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

  As indicated above, the myriad systems currently in use in South Carolina create problems in the area of voter education, programming, candidate uniformity on ballots, election night reporting of results to the state, etc. This option would not solve the current shortcomings of the numerous systems.

- Option 2: Electronic voting systems in all counties

  This option would require each county to go to a federal and state approved DRE system of their choosing. Although this option would achieve the goals under the HAVA Act, the state would continue to have a variety in the types of equipment it uses.

- Option 3: Statewide uniform electronic voting system

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

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

The following approach was taken to select a statewide system:

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

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

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

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

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

1.3 Voting System Standards

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

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

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

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

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

1.4 Provisional Voting & Voting Information Requirements

The chart below takes each of the Provisional Voting and Voting Information requirements and describes South Carolina met the requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Payment Distribution and Monitoring

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

Eligibility of Local Units to Receive the Payment

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

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

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

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

- Education programs were developed by the SEC for county election commissions and boards of registration and staff.
- Training programs and materials were developed by the SEC and distributed to county election commissions to conduct consistent Poll Manager training.
- Voter education programs and materials were developed by the SEC and distributed to county election commissions and boards of registration.

Performance Measures for Local Units

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

- **Financial Controls**: Working with the State Budget Office, State Treasurer, and State Comptroller General, SEC will develop and use standard financial reporting for all initiatives funded by HAVA. SEC will be prepared for periodic federal audits.
- **Compliance with Standards**: SEC will develop and use standard program management reporting for all initiatives that are funded by HAVA. The State Auditor's Office will also conduct a statewide single audit to ensure that the SEC complies with all Federal laws, regulations and program compliance requirements.
- **Program Results**: SEC will develop key performance indicators for each initiative funded by HAVA. See *Component 8: Performance Goals and Measures* for specific goals and measures.

3. Provision for Education and Training

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

3.1 Training for Election Officials

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

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

Two types of certification are offered:

- Voter Registration or Election Commission Members and Directors

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

- Voter Registration or Election Commission Staff

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

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

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

3.2 Training for Poll Managers

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

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

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

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

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

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

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

Persons with disabilities will be encouraged to become poll managers.

3.3 Training for Voters

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

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

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

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

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

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

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

3.4 Other Interested Citizens

Candidates, their workers, and poll watchers will be encouraged to take the certification training. Attendees will receive a "Candidate's Guide to Elections" and the Poll Manager handbook, both of which will be developed by the SEC. This will provide them with more information on Election Day processes and prevent misunderstandings between Poll Managers and poll watchers.

4. Voting System Guidelines and Processes

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

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

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

The SEC defined and documented uniform voting processes and updated the relevant training materials. As required by law, before any changes were made to processes that affect the voters, the proposed process was presented for review and approval by the U.S. Justice Department under the Voting Rights Act of 1965.

5. Fund for Administering State Activities

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

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

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

6. Proposed State Budget

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

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

Year	Implementation
2003	♦ Voter registration System ♦ Election administration ♦ Voter education and poll worker training
2004	♦ Voting system purchases (15 counties) ♦ Election Administration ♦ Voter education and poll worker training ♦ Automate voter history
2005	♦ Voting system purchases (31 counties) ♦ Election Administration ♦ Voter education and poll worker training ♦ Scanning/signature verification systems
2006	♦ Election Administration ♦ Voter education and poll worker training

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

The total proposed funding[2] will come from the following sources:

	Total Federal Funding as Proposed	South Carolina Share as Proposed	South Carolina Matching Funds
Early payments	$650 M	$6 9 M	Not applicable
2003	$850 M ($825 M to States)	$11,602,190	$ 580,109.50
2004	$1.3 B ($1.1 B to States)	$ 20,819,090	$ 1,040,954.50
2005	$1.1 B ($900 M to States)	$ 0	$ 0
Total Funding	**$3.9 B**	**$39,321,280**	**$1,621,064**

Total anticipated funding for South Carolina, prior to 2005, was approximately $48,550,000. However, since South Carolina did not receive the expected allocation for 2005, projects were scaled back to reflect the shortfall in funding. The figures below have been adjusted accordingly. Should the 2005 allocation be received, the State Plan Advisory Committee will re-convene immediately upon receipt and revise this section accordingly. This money will be used to carry out the requirements of Title III as follows:

HAVA Requirements	Total Cost	Section 101 Funds	Section 102 Funds	Section 252 & 257 Funds	State Match
Statewide Voting System	$36.6 M	$ 5M	$2,167,518	$ 31.57 M	$ 1 59 M
Education	$ 2.4 M	$ .25 M		$ 2.45 M	$ .2 M
Statewide Voter Registration System	$ .3 M	$ .2 M			
Voter Registration and Outreach Programs	$ 1.2 M	$ 3 M		$ .8 M	$ .2 M
Administration	$ .4 M	$ .5 M		$ .86 M	$ .09 M
Total	**$ 40.9 M**	**$ 4,652,412**	**$ 2,167,518**	**$ 32,421,280. M**	**$ 1,621,064**

Interest to date has been received in the amount of $813,462.19.

[2] Fund amounts are annotated with "M" or "B" to indicate million or billion dollar amounts.

7. Maintenance of Prior Year Expenditures

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

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

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

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

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

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

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

8. Performance Goals and Measures

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

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

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

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

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

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

Performance measures

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

- **Schedule**: Are goals being met, timelines followed, or at least progression towards meeting goal/timelines?
- **Ability**: Are the right people hired to oversee the state management plan to make sure plan goals are met? Are there enough financial resources to maintain those hired?

- **Effectiveness:** Is the project meeting all expectations in regards to customer satisfaction (County Election Commissions, Boards of Voter Registration, and voters)?

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

9. Administrative Complaint Procedures

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

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

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

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

Title III includes:

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

State-Based Administrative Complaint Procedure

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

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

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

Alternate Dispute Resolution

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

10. Use of Title I Payment

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

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

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

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

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

11. Ongoing Management of Plan

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

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

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

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

12. Previous Year Plan

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

Following is a summary of changes to the 2005 State Plan:

1. Meeting Title III Requirements and Other Activities

The primary focus in 2005 was the execution of a voting system training plan and supporting implementation of the new voting system for various small municipal elections scheduled in many South Carolina counties. Kick-off meetings and training classes were held in various regions of the State and in individual counties on the operation and support of the new system. Three supplemental regional training classes covering voting system operations and security were conducted in June. Additional supplemental training classes for counties were presented in September in Columbia. Various processes were reviewed and refined into 'best practices' as counties throughout the State gained experience with the new voting system. Planning and preparations have begun for the first statewide General Election, scheduled for November, 2006.

South Carolina's first statewide election using the new voting system was held on June 13, 1006 and a statewide run-off election was held on June 27, 2006. Both Elections were successful.

The State Election Commission continues to administer the Federal Health and Human Services Accessibility grant funding for counties. This money is used to upgrade accessibility for the disabled to polling places in the State, as well as educating the disabled community on voter registration and elections. $100,000 has been issued to county election commissions for this fiscal year.

2. Payment Distribution and Monitoring

The following chart depicts a high level view of payment distribution as of July 15, 2006.

HAVA Requirements	Amount Distributed
Statewide Voting System	**$ 32,641,939.14**
Education	**$ 1,723,072.65**
Statewide Voter Registration System	**$ 138,372.12**
Voter Registration and Outreach Programs	**$ 1,238,133.13**
Administration	**$ 298,216.27**
Totals	**$ 36,039,733.31**

3. Provision for Education and Training

3.1 Training for Election Officials

The required state Training and Certification program for county voter registration and election commission board members and staff continues as an excellent training and updating tool. For this fiscal year, 24 classes were offered with 639 participants. Most subjects are geared toward voter registration and election specifics.

The State Election Commission continues to administer the Federal Health and Human Services Accessibility grant funding for counties. This money is used to upgrade accessibility for the disabled to polling places in the state, as well as educating the disabled community on voter registration and elections. $100,000 has been issued to county election commissions for this fiscal year.

Four workshops were held for municipal election commissioners to inform them of standard election procedures.

One conduct of election workshop was held for 75 municipal clerks.

Five workshops were held for county election commissioners on how to use the iVotronic voting system.

3.2 Training for Poll Managers

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

12 workshops were held for municipal poll managers on the conduct of elections and how to use the iVotronic voting system.

24 workshops were held for county clerks/poll managers on how to use the iVotronic voting system.

Five workshops were held for county voting machine rovers on use of the iVotronic voting system.

3.3 Training for Voters

The State Election Commission continued its Voter Education and Outreach Program by focusing on 31 counties that did not use the statewide voting equipment in 2004. This program consisted of 600 media campaign spots, daily changes to the State voter education website (www.scvotes.org), brochures and fact sheets.

The strategy included a statewide, media-intensive communications initiative for May 2006. The HAVA Voter Education and Outreach team worked to have the SC Governor and General Assembly declare May "Voter Education Month." The month began with a kick-off press conference from the Statehouse, followed by numerous regional press conferences held throughout the state. At these press conferences, hosted by the SEC and county elections commissions, the branded theme "Every Vote Matters, Every Vote Counts" was reinforced, and the major components of the 2006 public education program were announced. During the month, the team also visited editorial boards, television stations and radio talk shows to gain earned media.

The goals of the 2005-2006 plan included:

- Generate visibility and voter interest for a new uniform electronic voting system.
- Educate the statewide voter population generally about the benefits of new voting systems, including ease of use, increased integrity, and accountability.
- Educate South Carolina voters about how the voting process and new electronic voting system works.

The HAVA bus purchased in 2004 and outfitted with electronic voting machines, election information flyers, and the red, white and blue "Every Vote Matters, Every Vote Counts" design continues to be utilized effectively. This bus is used to travel to scheduled sites and provide instruction to voters on how to use the voting system and also provide publicity of HAVA changes associated with voter registration and voting. Newspaper, radio, and publicity tactics are used to announce when and where the bus will be visiting. In addition to the bus, campaign-themed tents, tables and backdrops are used to support our presentation at these events. Between July 2005 and June 2006, the Voter Education and Outreach team attended approximately 50 fairs, festivals and other such gatherings throughout the state.

The State Election Commission established an Intranet for the South Carolina election community. The Intranet site is called SC Election Net. This site is used to communicate and collaborate with county election and voter registration offices. This site contains manuals, procedures, documents, forms and discussion forums to assist these county offices. There are approximately 250 users.

3.4 Other Interested Citizens

Brochures that cover the entire voter registration and voting process continue to be distributed to all 46 counties and various public organizations. This includes a brochure containing instructions on the use of the iVotronic voting machines, as well as brochures about absentee voting, provisional ballots, changing addresses, voter registration, and voter registration by mail. Braille brochures on a number of voter education subjects, printed with the assistance of the S.C. Association for the Blind, remain available for visually impaired voters.

4. Voting System Guidelines and Processes

Classes were developed and conducted by SEC staff on election readiness, voting machine rover/technicians, and absentee instant runoff voting. Documentation was developed to outline a county rover/technician plan, define a database in the voting system software, election readiness and election night functions, and absentee instant runoff voting. A handbook for county election and voter registration officials was revised.

Staff in the Agency supported 285 elections held in the State during this period. This support consisted of database creation, training, and technical support to certain counties.

5. Fund for Administering State Activities

- $ 784,030.97 was accrued in interest

6. Proposed State Budget

$7,128,720 estimated 2005 Federal Funding was not received and the proposed funding spreadsheets were revised to reflect actual amounts received from the Federal Government. A scanning project to scan voter registration applications was placed on hold due to lack of federal funding.

7. Maintenance of Prior Year Expenditures

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

8. Performance Goals and Measures

Performance goals were established and are monitored monthly by SEC staff. A status of State Plan implementation progress is updated and posted on the SEC website.

9. Administrative Complaint Procedures

No complaints were received during this period.

10. Use of Title I Payment

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

11. Ongoing Management of Plan

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

13. Committee

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

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

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

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

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

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

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

o

COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

Michael G. Brown
Chairman
Barbara Hildenbrand
Vice Chairman

Jean R. Jensen
Secretary
Lynda Sharp Anderson
Deputy Secretary

United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

June 19, 2006

Dear Members of the Commission:

In accordance with §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 will comprise Elements 6, 8, 10, 12, and 13 of the HAVA State Plan of the Commonwealth of Virginia. These new pages, together with non-substantive changes that we have made, will constitute the Commonwealth of Virginia's HAVA State Plan.

As required by §254(a)(12) of HAVA, Element 12, as amended, describes the material changes that Virginia has made to the State Plan in 2006. Specifically, the 2006 amendments to the Virginia HAVA State Plan reflect accurate funding levels, revise projected expenditures, alter the procedures for the creation and evaluation of performance goals, list the progress that the Commonwealth has made with regard to the State Plan that the Commonwealth filed in July 2003, and describe the new HAVA advisory committee and its procedures.

Please note that non-material changes can be found throughout several elements of the Virginia State Plan. After consulting with the EAC staff, the Commonwealth has elected not to include those changes for publication in the *Federal Register* as unnecessary under HAVA. Instead, we direct the EAC and members of the public to the Virginia State Board of Elections' website (http://www.sbe.virginia.gov/cms/documents/HAVA/Hava_State_Plan_Amendment_2006.pdf) to view the complete Virginia State Plan as the Commonwealth has amended it.

The 2006 Amendment to the HAVA State Plan of the Commonwealth of Virginia were developed in accordance with §255 of HAVA and the requirements for public notice and comment as prescribed by §256 of HAVA.

200 North 9th Street, Suite 101 - Richmond 23219 - 804-864-8901 - Toll-Free (800) 552-9745 - Fax 804-371-0194 - TDD 800-260-3466
http://www.sbe.virginia.gov

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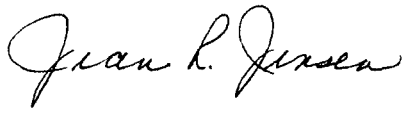
On behalf of the Commonwealth of Virginia, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Virginia.

Sincerely,



Jean R. Jensen
Secretary, Virginia State Board of Elections

Element 6, Budget for Title III Requirements:

Funding provided by HAVA:

Source	Virginia Federal Share	5% State match requirement
Title I, Sec. 101	$7,105,891.00	
Title I, Sec 102	$4,526,568.00	
Title II, Sec. 251	$57,489,361.00	$3,023,940.39
Total:	**$69,121,820.00**	**$3,023,940.39**

5% match calculated by multiplying the Virginia Federal Share by 0.0526

($ in millions) HAVA Requirements	Total Cost	§101 Funds	§102 Funds	§252 & 257 Funds	State matching funds
Title III Requirements					
§301 Voting System Standards					
Punch Card & Lever Buy-Out	**$23.1**		$4.5	$15.5	$3.1
DRE Purchase	**$9.5**			$9.5	
Accessibility Audits and Improvements	**$2.0**			$2.0	
§302(a) Provisional Voting	**$0.5**			$0.5	
§302(b) Voting Information and Instructions	**$0.5**			$0.5	
§303(a) Computerized Statewide Voter Registration System	**$12.0**			$12.0	
§303(b) Voter Registration By Mail Standards	**$0.2**			$0 2	
Other Election Reform Activities					
Voter Education; Election Official Education and Training; and Poll Worker Training	**$13.5**	$3 5		$10 0	
§402 Grievance Procedure	**$0.05**	$0.05			
§702 Single State UOCAVA[1] Office	**$0.5**	$0.5			
Plan Creation, Implementation And Management	**$3.05**	$3.05			
Contingency Fund	**$7.3**			$7.3	
Totals:	**$72.2**	**$7.1**	**$4.5**	**$57.5**	**$3.1**

Element 6, continued:

✓ All interest earned on HAVA funds will be deposited into Title II funds.

[1] UOCAVA: Uniformed and Overseas Citizens Absentee Voting Act.

Element 8, Performance Goals and Measures for Virginia and localities:

The Secretary of SBE will establish high-level goals and performance criteria and will have ultimate responsibility for ensuring the success of Virginia's HAVA implementation effort. The Deputy Secretary will have day-to-day operational responsibility for the implementation.

The Secretary will draft specific goals and performance measures and submit them to the Board for approval. The Secretary will, as the implementation proceeds, continually evaluate existing goals and measures and propose adjustments as needed. The Board will approve all performance goals, measures and adjustments to the same. Status reports for each performance goal and measure will be submitted to the Board for annual approval. Following approval by the Board, performance goals, measures, and status reports will be posted to the SBE website.

Element 10, Use of Title I funds:

Title I funds will be used as follows:

($ in millions) Title I Expenditures	Total Cost	§101 Funds	§102 Funds
Title III Requirements			
§301 Voting System Standards Punch card & Lever buy-out	**$32.6**	–	$4 5
Other Election Reform Activities			
Voter education; Election official education and training; and Poll worker training	**$13.5**	$3.5	
§402 Grievance Procedure	**$0.05**	$0.05	–
§702 Single state UOCAVA Office	**$0.5**	$0.5	–
Plan creation, implementation and management	**$3.05**	$3.05	
Totals:	**$51.2**	**$7.1**	**$4.5**

Element 12, Changes from Previous Year's Plan:

Changes from the Previous Year's Plan:

The 2006 amendment to the Virginia HAVA State Plan reflects accurate funding levels and revises projected expenditures. Additionally, the amendment consolidates authority in the SBE Secretary for future organizational flexibility in management of the plan.

Success of HAVA implementation to date:

In keeping with the Virginia State Plan, the SBE has done the following:

Voting Equipment

As of March 31, 2006, the SBE provided $24,303,841.22 to all 134 localities to replace outdated voting machines with HAVA compliant voting equipment. All localities have received at least one accessible DRE for every precinct, including central absentee precincts where they exist. All localities had contracts for HAVA compliant voting equipment by January 1, 2006. As of May 11, 2006, all localities have received their HAVA compliant voting equipment.

Polling Place Accessibility

The SBE developed strategic plans for accessibility improvements across the Commonwealth. SBE contracted with sixteen Centers for Independent Living (disability, advocacy, and service groups) for site surveys of all polling places in Virginia. ADA standards were used to determine polling place accessibility. Following surveys of polling facilities, SBE notified the local election officials of the barriers discovered at their polling facilities. After the local offices remove their barriers, the SBE reimburses them with HAVA funds.

Election Official Training

The SBE conducted regional training sessions for local election officials on new provisional voting policies and procedures. SBE conducted regional training sessions on the new HAVA compliant voting equipment and related security issues. The SBE also provided localities with funding for poll worker training on new HAVA compliant voting machines. Finally, the SBE also developed and distributed to localities an accessibility training module that contained a presentation, trainee handbook, and a teacher's manual.

Voter Education

The SBE developed new Easy Voter guides and Voting Rights and Responsibilities cards that were distributed to all public libraries, colleges, universities, and general registrars' offices throughout the state. The SBE also published Public Service Announcements regarding voting rights and responsibilities. The SBE also provided funding for voter education on new HAVA compliant voting machines.

SBE completely redesigned its website to provide better and easier access to information for the public regarding the electoral process. The new website is fully accessible and complies with Virginia's accessibility and usability standards.

Voting Information

SBE prepared and distributed information to all localities to post at all polling places on election day. This information included: a sample version of the ballot to be used for that election; the date of the election and the hours during which the polls are open; instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters; identification requirements; information on casting a complaint; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

Computerized Statewide Voter Registration List

On December 29, 2004, Virginia awarded a contract for a HAVA compliant statewide voter registration system entitled Virginia Election Registration and Information System (VERIS). Virginia is working to complete this project as soon as possible.

Voter Registration by Mail

SBE designed, developed, and implemented a system to notify first time mail registrants to present HAVA acceptable identification the first time that they vote.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

The Virginia UOCAVA Coordinator has created, maintained, updated, and mailed information pamphlets to stakeholders, mailed registration applications and absentee materials to stakeholders and participated in outreach activities that provide the UOCAVA citizen with information needed to register and vote absentee. The UOCAVA Coordinator also increased participation in Virginia's award winning electronic ballot transmission program through a mixture of creative and traditional outreach methods.

Grievance Procedure

SBE designed, developed, and implemented a formal grievance procedure that meets the requirements of §402. The grievance procedures have been in place since May 2004.

Provisional Voting

Virginia has allowed a form of provisional voting since 1975. In order to be fully compliant with HAVA, Virginia passed minor legislative changes in the 2004 session of the General Assembly to include provisions applicable to HAVA such as voting after the polls have closed due to a court order, the treatment of an absentee ballot as a provisional ballot if it was returned without a photocopy of an applicable identification document if this was required, and other HAVA ID requirements.

In addition, the SBE developed and approved comprehensive provisional ballot procedures in order to achieve uniformity in the issuing, tracking, and counting of provisional ballots. SBE developed written material, instructions, and signs to provide to all 134 localities for use in 100% of precincts and posted this information on the SBE website.

Other efforts include the development of a free-access system by instituting a toll-free telephone number. Each provisional voter is provided the number and a code at the time the provisional ballot is cast. The voter then dials in on the toll free number, enters the assigned code and is transferred to the proper local registration office where the information on the disposition of provisional ballots is maintained.

Finally, the VERIS system will allow each registrar the ability to indicate provisional vote history for each individual voter, automatically generate correspondence to a provisional voter as required by HAVA, and track the total number of provisional ballots cast and counted by locality, a capability the previous system lacked.

Element 13, The HAVA Advisory Committee and its Procedures:

Virginia's HAVA Advisory Committee is a diverse group of citizens including representatives from various constituency groups, local election officials and representatives from state agencies. Jean Jensen, Secretary of the SBE, chaired the committee. The committee met before the release of this plan for public comment and provided essential guidance.

The Committee membership, including each person's affiliation, is as follows:

Joseph Bowman
Director, VA Dept. for the Blind and Visually Impaired

Michael G. Brown
Chair, VA State Board of Elections

Malvern "Rudy" Butler
President, Virginia Association of Counties

Mary Margaret Cash
Assistant Commissioner
VA Dept. of Rehabilitative Services

Charles F. Downs
ADA Coordinator, City of Waynesboro, Dept. of Planning

Mary Jo Fields
Director of Research, Virginia Municipal League

Amy Gilbody
Advocacy Program Coordinator, AARP Virginia

Olga Hernandez
VA League of Women Voters

Barbara Hildenbrand
Vice Chair, VA State Board of Elections

James L. Holmes
Secretary of Electoral Board, Culpepper County

James Hopper
Senior Assistant Attorney General, Commonwealth of Virginia

Jean R. Jensen
Secretary, VA State Board of Elections

James R. Leaman
President, VA State AFL-CIO

Margaret K. Luca
Secretary of Electoral Board, Fairfax County

Randy Marcus
Chief of Staff to the Lieutenant Governor, Commonwealth of Virginia

Israel O'Quinn
Political Director, Republican Party of VA

Aida Pacheco
CEP Project Director
Richmond Career Advancement Center

J.A.G. "Buddy" Parrish
Chairman of Electoral Board, Virginia Beach City

Tammi M. Pinckney
General Registrar, Poquoson County

Kelly Porell
Executive Director, Virginia 21

Maribel Ramos
Special Assistant to the Governor, Commonwealth of Virginia

Amy Reger
Executive Director, Democratic Party of VA

Christine Ruderson
Virginia Dept. for the Deaf and Hard of Hearing

J. Kirk de Showalter
General Registrar, Richmond City

William A. Spradlin
Chairman of Electoral Board, Chesapeake City

Linda Thomas
President, Virginia NAACP

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