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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and Code of Federal Regulations is available on GPO access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: November 5, 2008.

James F. Manning,

Acting Chief, Operating Officer, Federal Student Aid.

[FR Doc. E8–26720 Filed 11–7–08; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

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

ACTION: Notice.

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

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

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

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

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

The revised State plan from Rhode Island accounts for the use of Fiscal Year 2008 requirements payments. In accordance with HAVA section 254(a)(12), the State plan submitted for publication provides information on how the State succeeded in carrying out its previous State plan. The State confirms that these changes to its State plan were developed and submitted to public comment in accordance with HAVA sections 254(a)(11), 255, and 256.

Upon the expiration of thirty days from November 10, 2008, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

EAC wishes to acknowledge the effort that went into revising this State plan and encourages further public comment, in writing, to the State election official listed below.

Chief State Election Official

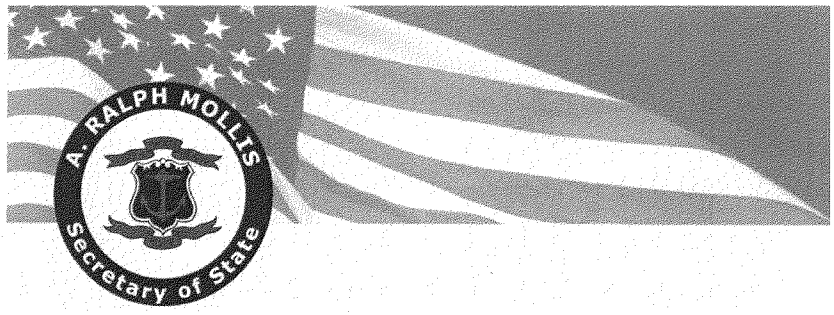
The Honorable A. Ralph Mollis, Secretary of State, 82 Smith Street, State House Room 217, Providence, RI 02903, Phone: (401) 222–2357, Fax: (401) 222–1356.

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

Dated: October 28, 2008.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.



RHODE ISLAND STATE PLAN

HELP AMERICA VOTE ACT OF 2002 (HAVA)

FIRST REVISED AND UPDATED VERSION, 2008

A. Ralph Mollis
Secretary of State

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Office of the Secretary of State

August 1, 2008

Dear Rhode Islander:

As Secretary of State, I am committed to making it easier to vote and restoring Rhode Island's faith in the fairness of our elections. I am pleased to present Rhode Island's Updated 2008 State Plan for continued enhancements to our state's voting system through the federal Help America Vote Act (HAVA). Congress passed HAVA in 2002, providing guidelines and funding to help states reform their elections and improve their voting systems.

Thanks to the work done by this office in recent years, Rhode Island's elections are among the most accessible, fair and accurate in the nation.

- Our **optical scan balloting** uses simple, easy-to-use ballots and provides fast and accurate automated vote counts as well as a crucial paper back-up system.
- New **accessible technology** in every polling place enables nearly every Rhode Islander to vote conveniently regardless of physical challenges.
- Our statewide **Centralized Voter Registration System** makes it simple to register and vote while ensuring the integrity of our voter rolls.

The major technical and legislative innovations in Rhode Island's original 2002 HAVA plan have now been fully implemented. You can see their impact in last March's presidential primary. More than 213,000 Rhode Islanders cast ballots – nearly three times the turnout of the last competitive presidential primary. The record turnout was a testament to the confidence voters have in our elections. The nearly flawless execution of the primary was a testament to the improvements that were made to the capacity of our systems.

The challenge now before us is to expand public participation in our strengthened electoral process. The steps outlined in the 2008 State Plan will help us achieve that goal.

Sincerely,
(electronic signatures)

A. Ralph Mollis
Secretary of State

Secretary of State A. Ralph Mollis

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INTRODUCTION

This 2008 State Plan is the first revision of the *Rhode Island State Plan, Help America Vote Act of 2002 (HAVA).* This revision is largely a report of successful statewide implementation of the major reforms and enhancements of voting law and process required by Congress in the wake of controversial problems with key local elections during the Presidential election of 2000.

The individual chapters of this plan and the summary tables in the appendices beginning on page 41 show and when Rhode Island met most of the key HAVA requirements and what we are now doing or will do to ensure permanent compliance.

But one critical measure of successful elections – the rate of voter participation – still requires considerable improvement across the United States and here in Rhode Island.. Future resources and efforts under HAVA will be focused on bringing more eligible Rhode Island citizens to register and vote.

Background on HAVA

In 2002, the United States Congress, with broad bipartisan support, passed landmark election reform legislation known as HAVA. This historic legislation required states to reform numerous aspects of the way elections are run, and appropriated federal funding to help them meet these challenges. Secretary of State A. Ralph Mollis has posted a copy of this law at *www.state.ri.us/HAVA/*.

Rhode Island was a leader in election reform, long before the enactment of HAVA. Through the foresight of former Secretary of State and now U.S. Rep. Jim Langevin, Rhode Island put in place a unified, optical scan precinct count voting system for each of its 39 cities and towns that enables the state Board of Elections and our local boards of canvassers to conduct fair and accurate elections. Scanning technology makes counts fast and accurate. The use of paper ballots offers voters a simple and familiar way to vote and provides a reliable paper record of each vote. As a result, Rhode Island avoided the election problems experienced in other parts of the country during the 2000 and 2004 elections.

HAVA provided Rhode Island with a unique opportunity – and significant federal dollars – to realize elements of election system reform, which, until then, had been only a dream. Our original HAVA State Plan drew on the time and talents of 75 members of our HAVA Advisory Committee, which carefully assessed our state's current electoral practices and capacities against the HAVA requirements. The draft plan was publicly reviewed and discussed at meetings held throughout Rhode Island. The final plan was submitted in August 2003.

The Secretary of State shared statewide oversight and implementation responsibility with the Board of Elections. Boards of canvassers in each of our state's 39 cities and towns also played crucial roles.

HAVA implementation, 2003 to 2007

Between 2003 and 2007, Rhode Island successfully implemented all of the HAVA requirements, most notably, a central, statewide database of voter registrations and new systems to strengthen the integrity of the voting process while also ensuring that every eligible voter will be able to cast a vote.

By December 2004, we had developed and implemented a powerful election tool – a statewide, uniform, computerized, interactive, central voter registration list known as the **Central Voter Register System** (CVRS). By linking cities and towns into a statewide network, the CVRS allows Rhode Island to maintain a highly accurate, up-to-date voter registration list. The CVRS enables election officials to ensure that those who are eligible to vote are able to vote and those who are not eligible to vote do not. This system was completely deployed and operational in all 39 towns in December 2004.

To meet HAVA mandates, the Board of Elections also established and put into place a system for **new identification requirements for voters.** At the same time, new **provisional voting** rules enable individuals whose exact status or voting address is unclear to cast a vote which will be counted when and if their eligibility is established.

HAVA also mandates that Rhode Island provide voters who are physically challenged with accessible voting systems that provide the same opportunity for access, participation, privacy and independence afforded to other voters. As planned, every polling place in the state was equipped with an **accessible voting unit** by 2006.

All Rhode Islanders should be proud of the progress our state has made since our first HAVA State Plan was filed in 2003. Rhode Island has now met the requirements of the federal law.

These enhancements were made possible thanks to more than $17 million in federal HAVA funding through the end of 2007. But, they could not have been achieved without a statewide commitment to meet the requirements of HAVA within a few short years.

Our success resulted from the hard work and dedication of many partners: the Secretary of State, local boards of canvassers, the General Assembly, the Governor and State Officers, our political parties and voters. However, we must particularly credit the Board of Elections for drafting the legislation and regulations and conducting the training for local election officials and volunteers that translated this plan to reality.

With these essential systems in place, our state has met all of the HAVA requirements. We will now monitor, maintain and enhance our system to continue to meet and, where possible, exceed, HAVA requirements.

Improving the integrity of elections

Our primary attention now turns to the people who will use them, our **election officials**, our **poll workers** and **Rhode Island citizens**. We anticipate final HAVA funding of $575,000, plus $30,263 in state matching funds. Those resources will be dedicated to strengthening the Rhode Island electorate itself.

That work has already begun. Last year, Secretary of State Mollis appointed a ten-member Voters First Advisory Commission to review and reform the state's election laws. With testimony at five public hearings and deliberation at eleven public workshop sessions, the Commissioners developed thoroughly researched positions on nine specific issues. Several recommendations focused on the integrity of the process, including increased voting booth privacy, restrictions on political canvassing at polling places and cleaning up voter rolls. Other reforms promoted expanded access for citizens with early voting initiatives, uniform statewide polling hours and expanded opportunities to register to vote.

We will **improve training** for front-line workers – both **election officials and poll workers** -- who must be well versed in the new systems and procedures. New partnerships with businesses, schools and civic organizations will emerge to recruit a larger and more diverse pool of qualified poll workers, including people in high school and college. We have added a module to the CVRS that tracks poll workers so that they can be located and recruited for future elections.

The critical element underlying all of these changes is our commitment to increase **civic participation in elections**. While 682,344 Rhode Islanders were registered and eligible to vote in the 2006 election, only 57.5% exercised that right, meaning that nearly 290,000 failed to participate. The Board of Elections and the Secretary of State have jointly developed comprehensive voter education for youth and are bringing that curriculum to every high school and college in the state.

Rhode Island's future challenge will be to make the voting experience as important, accessible, secure and rewarding as possible for every voter.

SECTION 1: 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(b)(2), to carry out other activities to improve the administration of elections. – HAVA §254 (a)(1)

1.1. VOTING SYSTEMS STANDARDS REQUIREMENTS – §301(A)

Deadline for compliance: January 1, 2006: no waiver permitted.
Status as of 2008: FULLY MET

With great foresight, Rhode Island enacted legislation (Chapters 277 & 298 of Public Laws of 1996) that mandated the statewide use of a uniform, optical scan precinct count voting system. Since September 1998, this optical scan precinct count voting system (OpTech III-PE, "Eagle" voting system) has been in use for all elections at all polling places in the 39 cities and towns which make up the State of Rhode Island (the State).

The State's optical scan precinct count voting system already met most of the requirements under Section 301 of HAVA. Specifically:

- Voters can verify, in private, their selected votes on the ballot before their vote is cast and counted
- Voters can change their ballots or correct any error before the vote is cast and counted, including the opportunity to receive replacement ballots
- The optical scan system automatically notifies voters if they have selected more than one candidate for the same office, a warden/moderator informs them of the effect of their over-voting and the voters are given the opportunity to correct their errors before their votes are cast
- A permanent paper record with a manual audit capacity is produced and available for recount
- The system has the ability for an alternative language
- The error rate meets federal standards

In our HAVA planning, we fully assessed other voting equipment options, with particular attention to the Direct Recording Election (DRE) voting systems in use in many states. In the end, the State determined that the optical scan equipment in place was superior to DRE and should be retained.

Voting Instructions for Mail Ballots
Currently, the Secretary of State provides ballots and printed voter information to voters who vote by mail. The staff of the local boards of canvassers, the Board of Elections and the Secretary of State's Elections Division are available by phone to provide one-on-one information to mail voters.

Our biennial Voter Information Handbook has been updated to include new instructions to voters who vote by mail. The new instructions include information on the effect of casting multiple votes for the same office and how to correct a ballot before it is cast, including instructions on how to obtain a replacement ballot.

Uniform, Nondiscriminatory Standards for What Constitutes A Vote
In 2002, the Board of Elections adopted rules and regulations that defined what constituted a "vote" on the State's optical scan precinct count voting system. Those definitions were codified by Rhode Island General Law (RIGL) 17-19-1, which was passed by the Rhode Island General Assembly on July 7, 2004. In the now unlikely event that other voting systems are implemented, the Board of Elections will take the steps necessary to ensure that a uniform and nondiscriminatory definition of a "vote" is adopted in conformance with the requirements of HAVA.

Accessibility for Individuals with Disabilities - Equipment
HAVA requires that by January 1, 2006, the State must have had, in each polling place, at least one voting system that:

- Is accessible to individuals with disabilities
- Provides the same opportunity for access, participation, privacy and independence that is afforded to other voters

In 2002, the State enacted RIGL 17-19-8.2 directing the Secretary of State to acquire such an accessible system for every Rhode Island polling place. Upon assessment of available systems, the State used HAVA funding to acquire and install two "AutoMark" systems for every polling place in time for the 2006 election.

Automark works in conjunction with the State's existing optical scan system, actually marking a conventional paper ballot and thus maintaining the paper ballot trail that Rhode Islanders strongly prefer. The system provides a range of input options and accommodations for many voter needs, such as sip-puff tubes, audio activation, text enlargement and support for multiple languages. The system reads back and confirms the voter's choices before counting.

During the Automark system's first use in the 2006 election, blind persons experienced technical difficulties using the system in many polling places in Rhode Island and other states. We have added training for poll workers and technical retrofits of the equipment to address those problems for the 2008 election.

Accessibility for Individuals with Disabilities – Polling Places
Rhode Island General Laws require every polling place to be accessible to the disabled and elderly. With the implementation of the optical scan precinct count voting system in 1998,

new efforts were made that resulted in all polling places meeting required polling place accessibility standards by November 2000.

Under HAVA, the U.S. Dept. of Health and Human Services (HHS) made grants available to the states to ensure full access for individuals with disabilities. These funds were awarded and accounted for separately from direct HAVA funding.

The Governor's Commission on Disabilities, as the official designee of the Chief State Election Official, prepared Rhode Island's State Grant for Election Assistance for Individuals with Disabilities (EAID) and secured federal grants of $100,000 each in the years 2003 through 2007 for a total of $500,000.

Information on activities below is taken from the HAVA EAID application for 2008.

To date, expenditures by category of allowable expenditure have been:

Category	1. Polling Place Access	2. Equal Opportunity	3. Train Election Officials	4. Information on Accessible Elections	Total Spent
Amount Spent	$107,423	$14,290	$5,391	$97,375	$224,479

Polling Place Access Expenditures:

- Assisted and will continue to assist local boards in choosing accessible sites and encouraging community-based providers of services to people with disabilities to offer their sites as polling places
- Surveyed and will continue to survey potential new polling sites on an as-needed basis to certify compliance with the HAVA accessibility guidelines
- Providing technical assistance in designing the removal of any barriers to access found at the polling sites
- Awarded and will continue to award grants to local boards of canvassers to fund accessibility renovations at polling places
- Monitored and will continue to monitor the renovations to ensure compliance with the U.S. Dept. of Justice's Americans With Disabilities Act Checklist for Polling Places, through either permanent renovations or temporary solutions for election days.

Equal Opportunity Allowable Expenditures:

- Continue funding the RI Disability Vote Project to:
  - Provide outreach about polling place accessibility, availability and opportunity to people with disabilities throughout the state

  - Conduct a public awareness campaign to help voting awareness among people with disabilities
  - Recruit and train people with disabilities to serve as poll workers
- Maintained and will continue to maintain the Election Assistance Committee of the Governor's Commission on Disabilities as an advisor to the Governor's Commission on Disabilities, the RI Disability Law Center, the Secretary of State and the Board of Elections' ongoing attempts to ensure polling site accessibility and greater participation by people with disabilities in the electoral process. The Committee includes representatives from the state Dept. of Administration (DOA), Office of Personnel Administration; National Federation of the Blind of RI; Opportunities Unlimited for People With Differing Abilities, Inc; state Dept. of Human Services, Office of Rehabilitation Services; the Secretary of State; RI Disability Law Center; Board of Elections; state Commission on the Deaf and Hard of Hearing; state Dept. of Human Services, Assistive Technology Access Partnership; CranstonArc and RI Disability Vote Project.

Train Election Officials Allowable Expenses

The Governor's Commission on Disabilities, the RI Disability Law Center and the Board of Elections developed a poll worker training video that will be used by the Board of Elections to train election officials and poll workers. If needed, FY 2008 EAID funds will be used to revise the training video to better prepare officials and workers to meet the needs of the diverse universe of voters including persons with disabilities.

Information on Accessible Elections Allowable Expenses

With FY 2008 EAID funding, the Governor's Commission on Disabilities and RI Disability Law Center will continue funding the RI Disability Vote Project to:

- Provide outreach about polling place accessibility, availability and opportunity to people with disabilities throughout the state
- Conduct a public awareness campaign to help voting awareness amongst people with disabilities
- Develop training modules to be used by consumer organizations and providers of services for people with disabilities to better prepare people with disabilities to vote independently and in secret
- Recruit and train people with disabilities to serve as poll workers

1.2. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS -- §302

Deadline for compliance: January 1, 2004; no waiver permitted.

Status as of 2008: FULLY MET

Provisional Voting

The intent of **provisional voting** is to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to do so. Under HAVA, individuals who believe they are registered, but are not on the certified voting list must be allowed to vote using a provisional ballot. Once the appropriate state or local election official verifies that the individuals are eligible to vote under state law, the provisional ballots are counted. The state or local election official must also create a free access system which allows individuals who cast provisional ballots to verify whether their votes were counted, and if not, the reason they were not counted.

Rhode Island now meets HAVA requirements for provisional voting.

During its 2003 session, the Rhode Island General Assembly adopted RIGL 17-19-24.1 to bring the State into compliance with HAVA §302 requirements. This legislation instructs the Board of Elections to promulgate the rules and regulations for Provisional Voting in accordance with HAVA. The Board of Elections adopted appropriate regulations on August 23, 2006 and re-filed them on January 3, 2007. The Board of Elections is in the process of updating them again in 2008.

Board of Elections regulations provide that provisional votes shall be held in sealed envelopes pending verification of the voter's registration via the CVRS, which accurately registers and records the disposition of the vote (fully counted, partly counted or disallowed). The Board of Elections enables voters to view the disposition of their ballots at *www.ri.gov/election/provisional_ballots/*.

Voting Information Requirements

At the time HAVA was enacted in 2002, Rhode Island law already met most of the HAVA §302 provisions. The State currently meets all of the requirements for providing voter information.

The Board of Elections packages and delivers election supplies for each voting district to local election officials. Information on state and federal laws on voter fraud and misrepresentation is posted in all polling places on Election Day. The public is also notified of the date, time and location of polling places in advance of all elections, either through postings in public places or postings in the local newspaper. Outside each polling place is a clearly marked sign, conspicuous and visible from the street, indicating the location of the polling place.

Information on all new procedures, such as provisional voting or access to Automark voting machines is also posted. Information is made available to the public through the *How to Register and Vote* guide and the *Voter Information Handbook* updated and re-issued by mail to every registered voter before every election. Complete registration and voting information is also posted at *www.elections.state.ri.us*.

1.3. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL – §303

Status as of 2008: FULLY MET

RIGL 17-9.1-6 mandates the State to *"administer a single and unified system of voter registration in accordance with all state and federal laws which shall enable duly registered voters to vote in all elections in their respective voting districts including elections for federal office."* All new systems implemented to bring Rhode Island into compliance with HAVA requirements will ensure the continuation of a single and uniform voter registration system for in-person and mail registration as well as for all federal, state and local elections.

Computerized Statewide Voter Registration List

For Rhode Island, the HAVA offered opportunity to implement a computerized, uniform, centralized, interactive, statewide voter registration database. For years Rhode Island had recognized the need for this system, but until the passage of HAVA, the State did not have the resources to create the uniform, centralized CVRS to enable election officials to ensure that those who are eligible to vote are able to vote and that those who are not eligible to vote do not.

Prior to HAVA, all official voter registration records were maintained at the local level. While the Secretary of State maintained a central list of all persons registered to vote in Rhode Island, this list was not immediately and electronically available to the local boards of canvassers or other statewide and local election officials. In 2002, the State adopted RIGL 17-6-1.2, directing the Secretary of State to create a CVRS in anticipation of the opportunity HAVA would create.

With the authorization of HAVA funding, the Secretary of State immediately began the procurement process for a computerized statewide voter records system.

The specifications for Rhode Island's CVRS were developed by a task force of users and election officials. The Board of Elections and members of the public formed the technical review committee. The State was granted a two-year extension of the original HAVA deadline of Jan. 1, 2004. However, by December 2004, the system was in place.

Today, thanks to HAVA and the efforts of state officials:

- Rhode Island has a single, uniform, official, centralized, interactive computerized statewide voter registration list – the CVRS – defined, maintained and administered at the state level
- The CVRS is now the official voter registration list for the conduct of all federal, state and local elections
- The CVRS contains the name and registration information of every legally registered voter
- Every legally registered voter has been assigned a unique identifier for the CVRS
- The CVRS is the single system for storing and managing the official list of registered voters throughout the state
- The CVRS is coordinated with the state Division of Motor Vehicles (DMV) database and will soon be coordinated with other state agency databases
- Election officials have immediate access to the information contained in the CVRS
- Local election officials update all voter registration information in the CVRS on an expedited basis
- The State provides support as needed so that local election officials are able to enter information and produce voter registration lists when needed
- Maintenance is performed on this computerized list on a regular basis:
    - Ineligible voters are removed in accordance with the National Voter Registration Act
    - In accordance with RIGL, the State works in partnership with the state Dept. of Corrections (DOC) to remove from the voting lists felons who are serving time in prison for felony convictions. In addition, the State works in partnership with the DOC and the state and federal judiciaries to make voter registration available to felons upon their releases from prison, even if on probation or parole
    - The State is in the process of coordinating with agencies that record vital statistics for death records to remove deceased voters
    - List maintenance ensures that the name of each registered voter appears on the computerized list
    - Only individuals who are not registered or who are not eligible to vote are removed from the computerized list
    - Duplicate names are eliminated from the computerized list
- State and local election officials have now provided adequate technological security measures to prevent unauthorized access to the computerized list
- The CVRS includes provisions to ensure that voter registration records are accurate and updated regularly, including:
    - A system of file maintenance that removes registrants who are ineligible to vote, i.e. in accordance with the National Voter Registration Act (NVRA), those individuals who have not responded to a notice and have not voted in two consecutive federal elections
    - Safeguards to insure that eligible voters are not removed in error
    - Voter registration information is verified in accordance with HAVA requirements

The Secretary of State has provided local boards of canvassers with all hardware, software and training that they need to participate in the CVRS. The Secretary of State has also provided the Board of Elections, other state agencies and the public access to the CVRS database as appropriate, in accordance with State law and subject to the applicable privacy provisions for the *HAVA-Mandated Identifier* (see next section).

The Secretary of State has also further enhanced the electoral process with additional modules related to the CVRS. These include the immediate electronic transmittal and statewide access to:

- Voter registrations completed at the Division of Motor Vehicles
- Mail ballot processing
- Maintenance of all polling places
- Maintenance of nomination and candidate records
- Street file
- Voter history, including name and address change and redistricting

Special Provisions for Voter Registration Information

HAVA mandates that an application for voter registration for any election for federal office may not be accepted or processed by the State unless the application includes at least one of the following forms of ID:

- The voter's valid driver's license number, if the voter has a driver's license
- For those voters who do not have a current and valid driver's license, the last 4 digits of the voter's social security number (SSN)
- A unique identifier assigned by the CVRS in those cases where the voter does not have either a valid driver's license or a SSN

To meet this requirement, the CVRS maintains two unique numbers for every registered voter in Rhode Island:

- A *State Voter Identification Number*, automatically assigned by the system, which will be part of the public record
- A *HAVA-Mandated Identifier* (driver's license number, last four digits of SSN or unique identifier), which will be protected from public view

This allows the State to both verify the accuracy of information provided in accordance with Section 303 requirements and protect the privacy of personal information. State statutes were amended to ensure privacy protections for the HAVA-Mandated Identifier.

In order to verify the accuracy of the information provided on applications for voter registration, the Secretary of State and the DMV now match the information in the CRVS with information at the DMV.

The Social Security Administration (SSA) agreed to verify the accuracy of social security numbers, dates of birth and names provided with voter registrations through the DMV and to screen those individuals against the death records. Those procedures were in place in time for the pre-election statewide mailing to Rhode Island voters in March 2006.

As required by HAVA, the DMV is seeking an agreement with the SSA to verify the accuracy of information provided by DMV for those applications for voter registration on which the last four digits of a SSN were provided instead of a driver's license number. The information that will be verified includes:

- The name, date of birth and social security number of an individual given to the SSA to match the information on file with the SSA
- If such individual is shown on the records of the SSA as deceased

Changes to voter registration forms now must be reviewed by the Secretary of State to ensure compatibility with the CVRS and ongoing compliance with HAVA requirements.

Requirements for Voters Who Register by Mail

The mail-in voter registration process in Rhode Island now meets HAVA §303 requirements for voter identification or voter instructions. Beginning January 1, 2003, voters who register by mail who did not provided their driver's license number or SSN upon registering and have not previously voted in an election for federal office in the state must present identification either at the time of registration or at the time of first voting. The new first-time voter must present this identification either with the mail registration, at the polls on Election Day, or with the mail ballot if the voter chooses to vote by mail.

An individual will meet this requirement upon presenting either:

- A valid photo identification
- 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

Rhode Island will modify its mail registration and voter information to notify new voters of the identification requirements of HAVA. The CVRS will be designed to support and track compliance with HAVA identification requirements.

The State will modify the voter registration form and polling place voter qualification processes to allow for the verification of identification provided by first-time voters who were registered by mail.

To comply with HAVA requirements, the Board of Elections changed the mail registration form by the statutory deadline. These changes included adding:

- The question *"Are you a citizen of the United States of America?"* and boxes for the applicant to check which indicate whether the applicant is or is not a citizen
- The question *"Will you be 18 years of age on or before election day?"* and boxes for the applicant to check which indicate whether or not the applicant will be 18 years of age or older on election day
- The statement *"If you checked 'no' in response to either of these questions, do not complete this form."*
- 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 must be included in order to avoid additional identification requirements upon voting for the first time

1.4. MINIMUM REQUIREMENTS – §304

The requirements laid out in HAVA are minimum requirements. The State may establish election technology and administrative requirements that are more stringent. Any more stringent requirement that the State imposes must comply with all Title III requirements, as well as the laws described in HAVA §906.

Since 1996, state law mandates uniformity in statewide voting systems and the administration of a single and unified system of voter registration in accordance with all state and federal laws. Therefore, Rhode Island legislation in these two areas could be considered more rigorous than HAVA. The State will continue to ensure uniformity in all State voting and voter registration systems for all federal, state and local elections. These uniform systems will be in full compliance with all HAVA requirements and with the relevant laws listed in HAVA §906.

1.5. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE – §305

The State chose various means to comply with the requirements of HAVA Title III. Specific details on the implementation methodology chosen can be found in Sections 1.1. through 1.3 of this State Plan.

1.6. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION – §311

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating

the State Plan. The State welcomes this assistance and will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

1.7. PROCESS FOR ADOPTION – §312

The State will stay aware of the progress of the EAC in developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

1.8. OTHER ACTIVITIES – §251 (B)(2)

The State shall use HAVA requirements funding to meet Title III requirements. In the event that the State has completely implemented the requirements of Title III, future State Plans will be amended to include how requirements funding shall be used for other activities to improve the administration of elections for federal office in keeping with the conditions of this section.

SECTION 2. RHODE ISLAND'S DISTRIBUTION OF REQUIREMENTS PAYMENT

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

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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). – HAVA §254 (a)(2)

2.1 ELIGIBILITY OF LOCAL UNITS TO RECEIVE THE PAYMENT

In Rhode Island, the State is responsible for the procurement, maintenance, preparation, delivery and storage of all optical scan precinct count voting systems used by local boards of canvassers in all federal, state and local elections. The State is responsible for the administration of a single, uniform voter registration system for all in person and mail registrations and for all federal, state and local elections. This centralized system provides for improved efficiency of elections.

In keeping with these practices, the State will continue to use HAVA funds to:

- Provide services and materials to local boards of canvassers as needed to meet HAVA requirements
- Support other activities to improve the administration of elections as described in HAV

HAVA funds will be centrally managed by the Secretary of State to ensure compliance with HAVA requirements and the State fiscal control systems.

2.2 PERFORMANCE MEASURES FOR LOCAL UNITS

The State monitors HAVA funds in accordance with the statewide performance measures adopted under HAVA §254(a)(8) and as outlined in Section 8 of this State Plan. The Secretary of State will centrally manage the distribution of all funds appropriated to the Rhode Island HAVA Election Fund, including but not limited to the requirements payments. Priorities and timelines will be incorporated into the budgeting process so that Rhode Island will implement mandates and improvements in a wise and timely manner.

SECTION 3. VOTER EDUCATION, ELECTION OFFICIAL EDUCATION AND TRAINING, POLL WORKER RECRUITMENT 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. – HAVA §254(a)(3)

Status as of 2008: FULLY MET

Throughout the preparation of the State Plan, Rhode Islanders strongly urged the State to develop improved education and training programs for current, potential and future voters; for election officials and for poll workers. A well-informed electorate, supported by well-trained and voter-oriented election officials, is essential – not only for the successful implementation of HAVA requirements, but to improve voter participation in the electoral process.

In redesigning its training and education programs, the State standardized election terms to make information and training easier to understand and more accessible to more audiences.

3.1 VOTER EDUCATION AND OUTREACH

The Secretary of State has pursued a vigorous program of outreach, with particular attention to students. During 2007 and 2008, the Secretary of State conducted 29 voter registration drives at Rhode Island high schools and 14 drives at colleges along with 16 school-based mock elections. Registration and voter information was promoted at eight events at colleges, hospitals, business expos and other venues and the Automark accessible voting equipment was demonstrated at five venues over 2007 and 2008.

The Secretary of State also produces the following educational materials:

- *Your Vote Your Rights* - explains voters' rights
- *About Voting in Rhode Island* - explains the mechanics of how to vote
- *One Vote Makes a Difference* - highlights the importance of voting and motivates people to engage in the democratic process by voting

As required by HAVA, the Board of Elections now ensures that the following materials are posted at each polling place:

- Sample ballots to be used in the election at each polling place
- Instructions on how to vote
- General information on federal and state laws regarding fraud and misrepresentation
- Date and hours during which the polling place will be open
- Instructions for mail-in registrants and first-time voters under Section 303(b)

- General information on voting rights under federal and state laws, including information on how to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to be violated

Rhode Island recognizes the need to ensure that voter information is uniform, that it is communicated in plain and easily understood wording and that it must be accessible to individuals in the variety of ways necessary to ensure widespread inclusion

Rhode Island set three goals for public outreach and education programs in its 2003 State Plan:

- Assure that voters are informed of their rights and receive proper and timely instructions on how to vote in accordance with HAVA requirements
- Improve voter education and information materials and delivery systems
- Motivate individuals to exercise their democratic responsibility to register and vote

The Secretary of State has implemented comprehensive voter education and outreach programs in every election since 2004. Elements have included:

- Broadcast public service announcements urging people to vote and publicizing the voter information hotline for voter-related questions
- Use of diverse media and content to promote registration and voting for different needs within the electorate:
  - Promoting uniform terminology in all materials
  - Bus, broadcast, print and web materials
  - Simple and direct language in voter education materials in English and Spanish
  - Considering the special needs of voters with disabilities.
- The Secretary of State reached out to youth, military voters and the general public in partnership with Campus Compact of Rhode Island, non-profit organizations and corporate citizens that allowed his staff to reach out to their patrons
- A toll-free voter information hotline to help Rhode Island voters find their polling locations and understand the electoral system

3.2 ELECTION OFFICIAL EDUCATION AND TRAINING

As a result of HAVA mandates, local election officials needed to learn new voter registration systems and procedures and are now responsible for ensuring compliance with many new requirements.

Training was provided to election officials in all HAVA mandates, including:

- The use of all voting equipment including optical scans and Automark
- CVRS
- Registration requirements
- Provisional voting

- Voting by mail ballot
- Voting on election day
- Other applicable state and federal election laws

3.3 POLL WORKER RECRUITMENT AND TRAINING

During public hearings to develop the State Plan, local election officials as well as voters expressed the need for improved poll worker recruitment and training. Rhode Island has been chronically challenged by its ability to recruit a sufficient number of qualified poll workers for the conduct of elections.

The changes under HAVA required that poll workers be well-versed in these new and sometimes complex requirements, especially voter identification requirements, provisional voting and the use of standard and Automark voting equipment. Poll worker training is the responsibility of the Board of Elections

From 2003 onward, numerous innovations in poll worker training were introduced. The Secretary of State and the Board of Elections now routinely hold training and refresher training on changes in the law.

In 2004, the Rhode Island General Assembly passed H-8033 and S-2856, which expanded the pool of eligible voters qualified to serve as poll workers and provided for the earlier appointment of poll workers. This enables election officials to better identify those precincts where poll worker shortages exist and to recruit additional persons to fill the vacancies. These bills became effective without the Governor's signature.

Much remains to be done. Following statewide hearings last year, Secretary of State A. Ralph Mollis' Voters First Advisory Commission made the following recommendations:

- Standardize compensation for poll workers statewide (legislation required)
- Create regional poll worker training centers
- Provide hands-on training with voting equipment
- Create web-accessible training videos for review purposes (not training)
- Provide poll workers with access to computers for training reviews
- Limit the number of hours each poll worker must serve on election day
- Create a standard manual including "problem solver" sections for all poll workers
- Require post-election evaluation of poll-worker performance and develop steps to help those encountering difficulty improve
- Require each city and town to send at least six poll workers per election precinct to Board of Elections training and to send at least 10% of the total number of poll workers for training so they may act as replacements and provide relief for poll workers on election day

SECTION 4. VOTING SYSTEM GUIDELINES AND PROCESSES

How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301. – HAVA §254 (a)(4)

Status as of 2008: FULLY MET

With the adoption of Chapters 277 & 298 of Rhode Island Public Law of 1996 and the implementation of the optical scan precinct count voting system in 1998, Rhode Island voting systems already met most HAVA requirements listed in Section 301.

Where Rhode Island was not in compliance, the State adopted internal procedures or legislation to come into compliance, specifically:

- The adoption of uniform and nondiscriminatory standards. RIGL 17-19-1 enacted on July 7, 2004 defines what constitutes a vote and what will be counted as a vote for each category of voting system used in the state
- Modified printed instructions and voter education for mail ballots explaining the effect of casting multiple votes and instructing the voter how to correct errors, including how to receive a replacement ballot if necessary

SECTION 5. RHODE ISLAND'S HAVA FUND MANAGEMENT

How the State will establish an election fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. – HAVA §254 (a)(5)

Status as of 2008: FULLY MET

In accordance with state law and in coordination with the DOA, the Secretary of State established the Rhode Island HAVA Election Fund (Fund) within the State's treasury whose appropriations are accounted for separately within the State accounting system. The DOA created accounting structures to ensure federal fund receipts and expenditures, the 5% State match and Fund interest are tracked separately from all other state funds as required under HAVA.

The Fund consists of the following:

- Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part
- The requirements payment made to the State
- Other amounts as may be appropriated under law
- Interest earned on deposits of the Fund

The Secretary of State formed a HAVA Election Fund Management Committee to advise on and review the budget in connection with the original 2003 HAVA State Plan. That Committee approved the multi-year budget for full HAVA implementation. The Secretary of State has had responsibility for day-to-day management of the Fund since 2003.

SECTION 6. RHODE ISLAND'S HAVA 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 that will be used to carry out activities to meet such requirements, and

(C) the portion of the requirements payment that will be used to carry out other activities. – HAVA §254(a)(6)

Status as of 2008: FULLY MET

HAVA funding was provided under Title I and Title II of the Act. Title I funds must be used for voting equipment, while Title II funds support all other needs. HAVA funds are "no-year" money, that is, federal funds that do not have to be expended in the year they are authorized. The original budget was designed to steward HAVA funds over many years to ensure that funding was reserved to continue to meet HAVA requirements after initial implementation.

The original budget anticipated federal payments of $21 million over the three years that ended in 2005 – based on the authorization of funds. Actual federal appropriations and payments to Rhode Island were less than anticipated: $16,598,533.

HAVA Fund Summary as of December 31, 2007

Title I Total Money Received	$5,001,730.71
Title II Total Money Received	$11,596,803.00
Total	**$16,598,533.71**
Title I Money Interest	$187,374.18
Title II Money Interest	$429,560.37
Total	**$616,934.55**
Title I Total Money Disbursed	$5,153,691.71
Title II Total Money Disbursed	$10,702,078.75
Total	**$15,855,770.46**
Balance in Title I	$35,413.18
Balance in Title II	$1,324,284.62
Balance as of 2007	**$1,359,697.80**
5% (actually 5.26%) match of $11,596,803.00 (spent from general fund account)	**$609,991.84**

Fortunately, the State realized major savings (more than $9 million) with the decision not to convert its voting equipment to DRE voting machines.

On the other hand, the DOA decided that multi-year-payment obligations for the State's optical scan equipment and its service contract should be met with HAVA funding. That equipment was purchased in the 1990s, long before HAVA.. DOA's decision obligated more than $5 million that the State Plan had envisioned using to fund additional improvements to our voting system.

Those factors, together with variances in other line items, resulted in total spending of $16,465.762.30 through 2007. Training and voter education suffered the most from the scaled-back funding.

Summary of HAVA expenditures through Dec. 31, 2007

Category	Spent from Title I, Title II and Interest	Spent from 5% Match	Total by category
Central Voter Registration System	$6,444,967.54	$56,564.00	$6,501,531.54
Provisional Voting	$115,908.24	$24,686.53	$140,594.77
Accessible Voting Equipment	$4,106,155.98	$25,665.85	$4,131,821.83
Optical Scan Voting Equipment	$5,013,013.97	$25,988.67	$5,039,002.64
Election Official Training	$21,826.10	$8,837.97	$30,664.07
Poll Worker Recruitment & Training	$73,961.80	$80,088.66	$154,050.46
Voter Registration	$0.00	$41,188.67	$41,188.67
Voter Education	$76,331.43	$175,566.97	$251,898.40
Complying with Requirements	$2,855.40	$90,770.26	$93,625.66
Preparation of State Plan	$750.00	$80,634.26	$81,384.26
TOTAL	**$15,855,770.46**	**$609,991.84**	**$16,465,762.30**

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. – HAVA §254(a)(7)

Status as of 2008: FULLY MET

The intent of HAVA funding is to pay for new or enhanced efforts, not to supplant State funding. Consistent with HAVA §254(a)(7), in using any requirements payment, Rhode Island must maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of expenditures in State FY 2000 so long as the State has any HAVA funds in its account.

That amount totaled $421,742, which has been met in each year.

SECTION 8. HAVA PERFORMANCE GOALS AND MEASURES

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

Status as of 2008: FULLY MET

The original State Plan itself laid out clear, time-bound and measurable objectives for each element of HAVA and designated the state officials whose duties and responsibilities as outlined by Rhode Island statute corresponded to particular HAVA sections (see list below). This revision of the State Plan specifically details how and when each objective was met, thus satisfying the intent and requirement of HAVA Section 8.

This revised State Plan also makes clear that the State did all that it said it would do in 2003 to bring its law and regulations, equipment and electoral procedures into compliance with HAVA. The physical and administrative structures for fair, fully accessible elections over the next 20 years or more have been put in place.

Ultimately, the success of the State Plan will be judged by its ability to continue to improve voter participation and confidence in elections in Rhode Island.

The original State Plan anticipated developing a HAVA measurement system to assess both process and impact performance. Specifically,

- Did the State do what it said it would do within HAVA mandates and timetables (*process* measures)
- Did those activities make a difference in the conduct of and participation in elections in Rhode Island (*impact* measures)?

Reduced funding has been a factor in deferring development of a formal assessment system to answer the second question: the quality of the conduct of election or the level and nature of voter participation.

However, data from the Board of Elections show that the steps taken have had direct impact: New and updated voter registrations via the new DMV "motor-voter" registration process have grown steadily. During the first year of implementation in 2004, 1,196 new voters were registered at DMV and 3,409 updated their registration information. In 2007, 20,532 new voters registerd at DMV and 5,671 updated their voter records. This represents a significant expansion of the electorate itself as well as an important new path by which voters themselves now help ensure the integrity and currency of our statewide voter registration records.

Rhode Island continues to rely on provisional ballots to ensure that every properly eligible voter can exercise his right to vote, even when election day voter-record-errors or discrepancies exist. The Office of the Secretary of State has increased voter education and created a web-based Voter Information Center database so Rhode Islanders can confirm the status of their voter registration status and address discrepancies prior to the day of voting. Since that time, it is worthwhile to note that number of voters requiring a provisional ballot has decreased.

2004 General Election:	2,246
2006 General Election:	1,850
2006 Primary Election:	3,204
2008 Presidential Primary:	1,104

Each provisional ballot represents a voter who would have been turned away from the polls on election day under prior procedures.

Rhode Island's Presidential Preference Primary (PPP) in March 2008 attracted a record number of voters – 213,435, up more than 550% compared to the 2004 PPP and three times the number of voters who turned out in 2000 for the last competitive PPP. Thanks to HAVA, Rhode Island's election systems, voting equipment, polling places and public information were up to the challenge. The election took place without serious problems, delays or challenges at any polling place in the state.

Specific responsibilities for HAVA implementation:

Secretary of State

- Voting Systems, §301
- Voter Registration (CVRS), §303(a)
- Voter Education, §254(a)(3)
- Election official training, §254(a)(3)
- Budget and Fiscal Controls, §254(a)(3), §254(a)(6), §254(a)(7) and §254(a)(10)

Chair, Board of Elections

- Provisional Voting, §302 (a)
- Voting Information Requirements, §302(b)
- Voter Registration, §303(b)

- Poll worker training, §254(a)(3)
- Election official training, §254(a)(3), jointly with Secretary of State
- Administrative Complaint Procedures, §254(a)(9) and §402

SECTION 9. STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURE

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

Status as of 2008: FULLY MET

The Rhode Island General Laws empower the Board of Elections to *"make the rules, regulations, and directives that it deems necessary to carry out the objects and purposes of this title (Title 17– Rhode Island Election Laws) not inconsistent with law... including the jurisdiction over all election matters on appeal from any local board and over any other matters pertinent and necessary to the proper supervision of election laws."*

In its 2003 session, the Rhode Island General Assembly adopted RIGL 17-7-5(15), which authorizes the Board of Elections to "establish and maintain an administrative complaint procedure in accordance with Section 402 of HAVA."

In Rhode Island, the Board of Elections hears complaints and conducts investigations on all election matters. After duly posting proposed regulations and holding public hearings, the Board of Elections adopted new regulations meeting the HAVA requirements on March 25, 2004. Those regulations were re-filed on January 3, 2007 and may be viewed online at: *http://www2.sec.state.ri.us/dar/regdocs/released/pdf/BOE/BOE_2878.pdf.*

SECTION 10. EFFECT OF TITLE I PAYMENTS

If the State received any payments 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.
– HAVA §254(a)(10)

Status as of 2008: FULLY MET

The 2003 *Rhode Island State Plan* for HAVA included details on the planned use of Title I funds, including amounts for each activity.

Rhode Island used its Title I payments to carry out the following activities:

- Complying with Centralized Voter Registration System requirements under Title III
- Improving the administration of elections
- Recruiting poll workers including high school and college students
- Educating voters concerning voting procedures, voting rights and voting technology
- Training election officials, poll workers and election volunteers
- Developing the State Plan for requirements payments to be submitted under Part 1 of Subtitle D of Title II
- Acquiring, improving and increasing the total number of voting systems
- Establishing toll-free telephone hotlines

SECTION 11. RHODE ISLAND'S HAVA STATE PLAN MANAGEMENT

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). – HAVA §254 (a) (11)*

Status as of 2008: FULLY MET

The Secretary of State, as Rhode Island's designated "Chief State Election Official" (Chapter 29 & 30 of Rhode Island Public Law 2003) is responsible for coordination of the State's responsibilities under HAVA and for ongoing management of the State Plan.

Rhode Island was a national leader in developing fair, accurate and accessible elections prior to the passage of HAVA in 2002 and has leveraged HAVA assistance since 2002 to extend its leadership in this area. The Secretary of State considers the ongoing management of the State Plan as a continuation of Rhode Island's commitment to election reform. Each element has been managed to achieve compliance, maximize improvements to all aspects of the election process and ensure responsible stewardship of funding received through HAVA.

Of course, the Secretary of State does not act alone. The Board of Elections and the local boards of canvassers are critical partners in the implementation of HAVA, as they are in the conduct of all elections in Rhode Island. The Board of Elections and the local boards of canvassers are responsible for specific elements of the State Plan. Within the Office of the Secretary of State, the Elections Division is the administrative agency charged with the implementation and management of many aspects of HAVA.

The Secretary of State appointed a ten-member Voters First Advisory Commission in April 2007 to review and reform the state's election laws. The Commission was charged with initiating changes in law, regulation and rules which would make it easier for Rhode Islanders to vote and which would restore their confidence in the fairness of our electoral process. Those recommendations were before the Rhode Island General Assembly

The responsibility for fair, accurate and accessible elections and for increasing voter participation in our democracy is shared throughout Rhode Island. The legislature is a critical partner, ensuring that Rhode Island state law is consistent with all federal election mandates, including HAVA. In addition, all elected officials, civic and business leaders, community-based organizations, every citizens and educators share a commitment to improving voter

outreach and education in order to increase the participation of all segments of our community in the electoral process which is the bedrock of our democracy.

The State understands and agrees to comply with HAVA requirements related to the ongoing management of the State Plan. Specifically, the State agrees not to make any material change in the administration of the State Plan unless the change:

- Is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the State Plan
- Is subject to public notice and comment in accordance with HAVA §256 in the same manner as the State Plan
- Takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register in accordance with subparagraph (A)

SECTION 12. CHANGES TO STATE PLAN FROM PREVIOUS FISCAL YEAR

In the case of a State with a State Plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year. – HAVA 254 (a)(12)

This is Rhode Island's 2008 State Plan, addressing Fiscal Years 2009 and beyond. As the first update of the State Plan following five years of implementation, every element of this Plan reflects the achievement of HAVA requirements and planned objectives in the 2003 plan. All of the HAVA requirements have been fully met and no further actions are planned under most of the sections of the Act. Funding permitting, future work through HAVA will address training, education and outreach to voters.

Specifics on those achievements and future activities are given in the narrative under each Section above. A concise summary without narrative may also be found in Tables I, II and III in this report.

SECTION 13. STATE PLAN DEVELOPMENT AND 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 255 and Section 256 – HAVA §254 (a) (13)

13.1 PUBLIC ENGAGEMENT

The process for producing Rhode Island's original HAVA State Plan reflected a genuine, statewide commitment to improving elections, to public engagement and to open and ethical government. This State Plan reflects careful consideration of the ideas and concerns of hundreds of individuals and public officials from throughout Rhode Island.

The draft of the 2003 Rhode Island State Plan was created by the Secretary of State in partnership with a 75-member HAVA Rhode Island Advisory Committee. The committee included a wide representation of diverse stakeholders selected from all segments of the Rhode Island community, including elected officials, racial and ethnic communities, nonprofits and advocacy groups, students, business leaders, academics and labor unions.

Between March 10 and March 21, 2003, the subcommittees of the HAVA Rhode Island Advisory Committee met to discuss Rhode Island's current compliance with HAVA and identify key issues. They presented their preliminary reports for consideration and discussion at their March 24, 2003 meeting. These subcommittee reports were posted on the HAVA website of the Secretary of State at www.state.ri.us/HAVA/. On May 19, 2003, a draft of the State Plan was presented to the full HAVA Advisory Committee for final review and comments and made available for public comment for 30 days. The final State Plan was released on August 13, 2003.

Rhode Island successfully implemented many HAVA requirements in time for the 2004 Presidential election as documented above. Comments and input based on practical experience in the 2004 and 2006 elections have been solicited from members of the public, poll workers and state and local election officials in creating this revised plan.

In 2007, Secretary of State Mollis appointed a ten-member Voters First Advisory Commission to review and reform the state's election laws. With testimony at five public hearings and deliberation at 11 workshop sessions, the Commissioners developed non-partisan White Papers on specific issues. Several recommended policies focused on the integrity of the process, including voting-booth privacy, restrictions on political canvassing at polling places and cleaning up voter rolls. Others promoted improving voter access through an early voting initiative, uniform statewide polling hours and expanded opportunities to register to vote.

13.2 VOTERS FIRST ADVISORY COMMISSION

Secretary of State Mollis extends his thanks and appreciation to the ten members of the Voters First Advisory Commission who have worked so hard over 2007 and 2008 to inform his ongoing responsibilities as Chief State Election Officer of Rhode Island. They have performed outstanding public service. The members are:

- Secretary of State Mollis, Chairman
- State Rep. Joe Almeida (D-Providence)
- State Rep. Jon D. Brien (D-Woonsocket)
- State Sen. June Gibbs (R- Little Compton, Middletown, Newport, Tiverton)
- Roger Harris, RI Disability Vote Project
- Robert Kando, executive director, state Board of Elections
- Ken McGill, registrar, Pawtucket Board of Canvassers
- State Sen. Juan Pichardo (D-Providence)
- Jan Ruggiero, director of Elections, Office of the Secretary of State
- Sue Stenhouse, deputy director, Governor's Office of Community Relations

13.3 HAVA RHODE ISLAND ADVISORY COMMITTEE

The members of the HAVA Rhode Island Advisory Committee are:

Dennis L. Algiere, ***Senate Minority Leader***

Andy M. Andujar, ***President, Rhode Island Young Democrats***

Jane Anthony, ***Past Chairwoman, Rhode Island Commission on Women***

Bob Arruda, ***Past President, Operation Clean Government***

Scott Avedisian, ***Mayor, City of Warwick***

Catherine Avila, ***Director of Administration, Office of the Secretary of State***

Rick Battistoni, ***Professor of Political Science, Providence College***

Kate Bowden, ***Staff Attorney, Rhode Island Disability Law Center***

Robert T. Bray, ***Adjutant General***

Kerry Brusini, Director, ***North Providence Board of Canvassers***

Edwin Cancel, ***former Executive Director, Progreso Latino, Inc.***

Rory Carmody, ***Director of Program Development, Cranston ARC***

Wayne Charness, ***Senior Vice President of Corporate Communications, Hasbro***

David N. Cicilline, ***Mayor, City of Providence***

Marian Clarke, ***Chairwoman, Jamestown Board of Canvassers***

Kathleen Connell, *State Director, AARP- RI*

Bob Cooper, *Executive Secretary, Governor's Commission on Disabilities*

Antonio Costa, *Portuguese-American Community Leader*

Hollie Courage, *President, League of Women Voters of RI*

John Daluz, *Chairman, RI State Board of Elections*

Melba Depeña, *Past President, Rhode Island Latino Civic Fund*

Grace Farmer, *Financial Manager, HELP Coalition*

Dave Fleming, *President, Local 328, United Food & Commercial Workers*

Laurence K. Flynn, *Chairman, Providence Board of Canvassers*

Gordon D. Fox, *House Majority Leader*

Richard Gaffney, *President, National Federation of the Blind of Rhode Island*

Mary Alyce Gasbarro, *League of Women Voters*

Elaina K. Goldstein, *Member, Republican State Central Committee*

Alan Hassenfeld, *Chairman & Chief Executive Officer, Hasbro*

A. Vincent Igliozzi, *Administrator, State Equal Opportunity Programs*

Stan Israel, *Vice President New England Health Care Employees Union, District 1199/SEIU*

Robert Kando, *Executive Director, State Board of Elections*

Brian Krueger, *Assistant Professor of Political Science, University of Rhode Island*

David Lagstein, *Head Organizer, ACORN*

Dennis B. Langley, *Executive Director, Urban League of Rhode Island*

Joseph Le, *Executive Director, Socio Economic Development Center for Southeast Asians*

Peter Lee, *Executive Director, John Hope Settlement House*

Charlene Lima, *Speaker Pro Tempore*

Christine Lopes, *Executive Director, Common Cause RI*

William Lynch, Chairman, *Rhode Island Democratic State Committee*

Ray Marcaccio, *Legal Counsel, Rhode Island State Board of Elections*

Ramon Martinez, *Executive Director, Progreso Latino, Inc.*

Donna McDonald, *Warwick Board of Canvassers*

Norrene D. McGeary, *East Greenwich Board of Canvassers*

Ken McGill, Registrar, *Pawtucket Board of Canvassers*

Kristen Meuse, *Past President, Rhode Island Young Democrats*

Maureen Moakley, *Professor of Political Science, University of Rhode Island*

Joseph A. Montalbano, *President of the Senate*

Kate Monteiro, *Rhode Island Alliance for Lesbian & Gay Civil Rights*

Clifford R. Montiero, *President, NAACP - Providence Branch*

John Muggeridge, *General Manager and Vice President of Public Affairs, Fidelity Investments*

Domingo Morel, *RI Latino Civic Fund*

William J. Murphy, *Speaker of the House*

Michael T. Napolitano, *Mayor, City of Cranston*

Ellen O'Hara, *Past President, Rhode Island Chapter of the National Association of Social Workers*

Rick O'Neill, *Canvassing Clerk, Newport Board of Canvassers*

Thomas Palombo, *Assistant Attorney General*

Madeleine Pencak, *Registrar, Portsmouth Board of Canvassers*

Bob Rapoza, *Supervisor of Elections and Voter Registration Services, State Board of Elections*

Elizabeth H. Roberts, *Lieutenant Governor*

Rob Rock, *CIVICS Coordinator, Office of the Secretary of State*

Jan Ruggiero, *Director of Elections & Civics Division, Office of the Secretary of State*

Miguel Sanchez-Hartwein, *Executive Director, Center for Hispanic Policy and Advocacy*

Merrill Sherman, *President and Chief Executive Officer, Bank RI*

Marie Sorman, *Director of Community Development, City of Cranston*

Molly Soum, *President, The Cambodian Society*

Cathy Speer, *State Governing Board, Common Cause/Rhode Island*

June Spink, *Operation Clean Government*

Katrina A. Therien, *North Smithfield resident*

Matthew Thomas, *Chief Sachem, Narragansett Indian Tribe*

Jeff Toste, Co-Chair, *Green Party of Rhode Island*

James Vincent, *Manager of Constituent Services, Rhode Island Housing*

Robert A. Walsh Jr., *Executive Director, National Education Association/Rhode Island*

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TABLE I: SECTION 301. VOTING SYSTEMS STANDARDS

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
SEC. 301. VOTING SYSTEMS STANDARDS.		
(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;	**OpTech voting system meets the requirement.**	Maintain system.
(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	**OpTech voting system meets the requirement.**	Maintain system.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(iii) if the voter selects more than one candidate for a single office— (I) notify the voter that the voter has selected more than one 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.	**OpTech voting system meets the requirement.**	Maintain system.
(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	**Meets the Requirement.** Instructions added to Voter Information Handbook and materials sent to mail-in absentee voters.	Continue to update

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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).	**Meets the Requirement.** Instructions added to Voter Information Handbook and materials sent to mail-in absentee voters.	All future voter information will include this information.
(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.	**Meets the Requirement.**	Maintain.
(2) AUDIT CAPACITY.--		
(A) IN GENERAL.--The voting system shall produce a record with an audit capacity for such system.	**OpTech voting system meets the requirement.**	Maintain system.
(B) MANUAL AUDIT CAPACITY.--		
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	**OpTech voting system meets the requirement.**	Maintain system.
(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.	**OpTech voting system meets the requirement.**	Maintain system.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	**OpTech voting system meets the requirement.**	Maintain system.
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.--The voting system shall--		
(A) 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;	**Accumark system in each polling place meets the requirement.**	Maintain system.
(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	**Accumark system in each polling place meets the requirement.**	Maintain system.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).	**Accumark system in each polling place meets the requirement.**	The State will ensure that it remains in compliance with HAVA requirements as needed.
(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).	**OpTech voting system meets the requirement.**	Maintain system.
(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.	**OpTech voting system meets the requirement.**	Maintain system.
(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.	**Meets the Requirement.** Board of Elections promulgated regulations in September 2002 on what constitutes a vote on optical scan system.	Maintain system.

TABLE II: SECTION 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.		
(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 is not eligible to vote, such 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.	**Meets the Requirement.** In 2003, RIGL 17-19-24.1 was enacted to allow for provisional voting in accordance with HAVA requirements.	Maintain.
(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--		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	**Meets the Requirement.** In 2003, RIGL 17-19-24.1 was enacted to allow for provisional voting in accordance with HAVA requirements.	Maintain.
(B) eligible to vote in that election.	**Meets the Requirement.** In 2003, RIGL 17-19-24.1 was enacted to allow for provisional voting in accordance with HAVA requirements.	Maintain.
(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).	Meets the Requirement	The Board of Elections adopted rules and regulations for provisional voting in 2004.
(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.	**Meets the Requirement.** The Board of Elections adopted rules and regulations for provisional voting in 2004	Maintain.

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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 whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	**Meets the Requirement.** The Board of Elections adopted rules and regulations for provisional voting in 2004	Maintain.
	(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.	**Meets the requirement.** Board of Elections created online system where voters may determine the status of their provisional vote.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality and integrity of personal information collected, stored or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	**This section does not apply.** Rhode Island is not exempt from National Voter Registration Act requirements.	N/A.

(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.	**Meets the requirement.** The Board of Elections posts the required information.	Maintain.
	(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;	**Meets the requirement.** Sample ballots are prepared by the Secretary of State.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(B) information regarding the date of the election and the hours during which polling places will be open;	**Meets the requirement.** The Board of Elections posts the required information.	Maintain.
	(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	**Meets the requirement.** The Board of Elections posts the required information.	Maintain.
	(D) instructions for mail-in registrants and first- time voters under section 303(b);	**Meets the requirement.** The Board of Elections provides the required information.	Maintain.
	(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	**Meets the requirement.** The Board of Elections posts the required information.	Maintain.
	(F) general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.	**Meets the requirement.** The Board of Elections posts the required information.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(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 ten days before the date of that election may only vote in that election by casting a 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.	**Meets the Requirement.** The Board of Elections adopted rules and regulations to implement provisional voting	Maintain

TABLE III. SECTION 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.		
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.--		
(1) IMPLEMENTATION.--		
(A) IN GENERAL.--Except as provided in subparagraph (B), 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:	**Meets the Requirement.** The CVRS was completely installed in all 39 cities and towns in December 2004.	Maintain

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout Rhode Island.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.
(ii) The computerized list contains the name and registration information of every legally registered voter in Rhode Island.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in Rhode Island.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.
(iv) The computerized list shall be coordinated with other Rhode Island agency databases.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(v) Any election official, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.
(vi) All voter registration information obtained by any local election official shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.
(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).	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Ongoing training and a help desk are provided as needed.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the state.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	**Not applicable.** Rhode Island had a voter registration requirement prior to HAVA.	Maintain.
(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).	**Meets the requirement.** CVRS business rules are set in accordance with NRVA and related state and federal law	Maintain.
(ii) For purposes of removing names of ineligible voters from the official list of eligible voters--		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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	**Meets the requirement.**	Maintain.
(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.	**Meets the requirement.** CVRS business rules are set in accordance with NRVA and related state and federal law	Maintain.
(iii) Notwithstanding the preceding provisions of this subparagraph, 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.	Not applicable as Rhode Island is not a state described in 4(b) of the NVRA.	Not applicable as Rhode Island is not a state described in 4(b) of the NVRA.
(B) CONDUCT.--The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED	
(i) the name of each registered voter appears in the computerized list;	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain	Maintain.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.	
(iii) duplicate names are eliminated from the computerized list.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.	
(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.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.	

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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:	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004.	Maintain.
(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.	**Meets the Requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004. The system includes automatic reminders when the conditions for removal are met.	Maintain.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	**Meets the requirement.**	The State will continue to improve processes with CVRS.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.--		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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	**Meets the requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004 and the adoption of appropriate rules and regulations by the Board of Elections.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	**Meets the requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004 and the adoption of appropriate rules and regulations by the Board of Elections.	Maintain.
(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 list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	**Meets the requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004 and the adoption of appropriate rules and regulations by the Board of Elections.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	**Meets the requirement.** The State fully met this requirement upon implementation of the CVRS in December 2004 and the adoption of appropriate rules and regulations by the Board of Elections.	Maintain.
(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 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.	**Meets the requirement.** Interagency agreement in effect as of January 1, 2005.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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)).	**Meets the requirement.** Interagency agreement in effect as of March 2006.	Maintain.
(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		
(B) (i) the individual has not previously voted in an election for federal office in the state; or		
(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).		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED	
(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	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.	Maintain.
(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	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.	

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.
(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.	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.
(B) FAIL-SAFE VOTING.--		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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 section 302(a).	**Meets the requirement.** The State has used provisional ballots since 2004.	Maintain.
(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).	**Meets the requirement.** The State has used provisional ballots since 2004.	Maintain.
(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 (42 U.S.C. 1973gg-4) and submits as part of such registration either--		

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(i) a copy of a current and valid photo identification; or	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.
(ii) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter;	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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 with such registration either--	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.
(I) a driver's license number; or (II) at least the last four digits of the individual's social security number; and	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(ii) with respect to whom a state or local election official matches the information submitted under clause (i) with an existing state identification record bearing the same number, name and date of birth as provided in such registration; or	**Meets the requirement.** The State fully met HAVA registration and identification procedures upon implementation of the CVRS in December 2004 and adoption of rules and regulations by the Board of Elections.	Maintain.
(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.);	**Meets the requirement.**	Maintain.
	(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	**Meets the requirement.**	Maintain.
	(iii) entitled to vote otherwise than in person under any other federal law.	**Meets the requirement.**	Maintain.

HAVA LEGISLATIVE REQUIREMENTS			STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(4) CONTENTS OF MAIL-IN REGISTRATION FORM.--			
		(A) IN GENERAL.--The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:		
		(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.	**Meets the requirement.** The CVRS is in place. The Board of Elections has adopted necessary rules and amended voter registration forms.	Maintain.
		(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.	**Meets the requirement.** The CVRS is in place. The Board of Elections has adopted necessary rules and amended voter registration forms.	Maintain.
		(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."	**Meets the requirement.** The CVRS is in place. The Board of Elections has adopted necessary rules and amended voter registration.	Maintain.

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HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	**Meets the requirement.** The CVRS is in place. The Board of Elections has adopted necessary rules and amended voter registration.	Maintain.
(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).	**Meets the requirement.** The CVRS is in place. The Board of Elections has adopted necessary rules and amended voter registration. Automatic.	Maintain.

Secretary of State A. Ralph Mollis

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CD–002]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to LG Electronics From the Department of Energy Residential Clothes Dryer Test Procedures [Case No. CD–002]

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: This notice publishes the Department of Energy's Decision and Order in Case No. CD–002, which grants to LG Electronics Inc. (LG) a waiver from the existing Department of Energy (DOE) residential clothes dryer test procedure for its product line of DLEC733W ventless clothes dryers, because the existing test procedure only applies to clothes dryers that are vented.

DATES: This Decision and Order is effective November 10, 2008.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Raymond, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–9611. E-mail: *Michael.Raymond@ee.doe.gov*.

Ms. Francine Pinto or Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mailstop GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0103. Telephone: (202) 586–9507. E-mail: *Francine.Pinto@hq.doe.gov* or *Eric.Stas@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(l), DOE gives notice of the issuance of its Decision and Order as set forth below. In the Decision and Order, DOE grants to LG a waiver from the existing residential clothes dryer test procedure under 10 CFR part 430, subpart B, Appendix D, for its ventless clothes dryer (model DLEC733W), which does not have an outside exhaust.

Issued in Washington, DC, on October 27, 2008.

John F. Mizroch,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: LG Electronics Inc. (LG). (Case No. CD–002)

Background

Title III of the Energy Policy and Conservation Act (EPCA) sets forth a variety of provisions concerning energy efficiency. Part A of Title III provides for the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' [1] (42 U.S.C. 6291–6309) Part A includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part A authorizes the Secretary of Energy (the Secretary) to prescribe test procedures that are reasonably designed to produce results which measure energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) Relevant to the current Petition for Waiver, the test procedure for residential clothes dryers is set forth in 10 CFR part 430, subpart B, Appendix D, ''Uniform Test Method for Measuring the Energy Consumption of Clothes Dryers.''

In addition, DOE's regulations contain provisions allowing a person to seek a waiver from the test procedure requirements for covered products when the petitioner's basic model contains one or more design characteristics that prevent testing of the basic model according to the prescribed test procedure, or when the prescribed test procedure may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). Petitioners must include in their petition any alternate test procedures known to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 430.27(b)(1)(iii).

The Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(l). Waivers generally terminate on the effective date of a final rule which prescribes amended test procedures appropriate to the model series manufactured by the petitioner, thereby eliminating any need for the continuation of the waiver. 10 CFR 430.27(m).

The waiver process contained in DOE's regulations also allows any interested person who has submitted a Petition for Waiver to file an Application for Interim Waiver of the applicable test procedure requirements. 10 CFR 430.27(a)(2). The Assistant Secretary will grant an Interim Waiver request if it is determined that the applicant will experience economic hardship if the Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. 10 CFR 430.27(g). An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever occurs first, and may be extended by DOE for 180 days, if necessary. 10 CFR 430.27(h).

On November 14, 2005, LG filed an Application for Interim Waiver and Petition for Waiver from the test procedures for energy consumption which are applicable to its product line of ventless [2] clothes dryers, under basic model number DLEC733W. As noted above, the relevant test procedures are contained in 10 CFR part 430, subpart B, Appendix D. LG seeks a waiver from the test procedures for this product line because, LG asserts, the current clothes dryer test procedures only apply to vented clothes dryers and require the use of an exhaust restrictor to simulate the backpressure effects of a vent tube in an installed condition. According to LG, its line of condenser (ventless) clothes dryers does not have exhaust vents and does not vent exhaust air to the outside as do conventional (vented) dryers, and because the test procedures do not provide a definition or mention of a ventless clothes dryer, its products cannot be tested according to 10 CFR part 430, subpart B, Appendix D.

On August 23, 2006, DOE published LG's Petition for Waiver and denied the Application for Interim Waiver. 71 FR 49437. In that notice, DOE proposed and requested comment on an alternate test procedure for testing ventless clothes dryer products, as discussed below. In denying LG's request for an Interim Waiver, DOE questioned whether it

[1] This part was originally titled Part B; however, it was redesignated Part A, after Part B of Title III was repealed by Public Law 109–58.

[2] In LG's Petition for Waiver, the terms ''condenser'' or ''condensing'' were used instead of ''ventless'' to describe this product. No change in meaning is intended by this substitution, which was made to be consistent with other DOE documents.