Federal Register

Monday,
November 17, 2008

Part III

Election Assistance Commission

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

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

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

ACTION: Notice.

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

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

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

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

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

The revised State plans from Louisiana and Nevada address material changes in the respective activities and budgets of the previously submitted State plans. In accordance with HAVA section 254(a)(12), all the State plans submitted for publication provide information on how the respective State succeeded in carrying out its previous State plan. The States all confirm that these material changes to their respective State plans were developed and submitted to public comment in accordance with HAVA sections 254(a)(11), 255, and 256.

Upon the expiration of 30 days from November 17, 2008, the States are eligible to implement the material changes addressed in the plans that are 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 Officials

The Honorable Jay Dardenne, Secretary of State, Twelve United Plaza, 8585 Archives Avenue, P.O. Box 94125, Baton Rouge, Louisiana 70809, Phone: (225) 922–0900, Fax: (225) 922–0945, E-mail: *elections@sos.louisiana.gov.*

Mr. Matthew M. Griffin, Deputy Secretary for Elections, Office of the Secretary of State, 101 N. Carson Street, Suite 3, Carson City, Nevada 89701–4786, Phone: (775) 684–5708, Fax: (775) 684–5725, E-mail:

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

Dated: October 14, 2008.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

DEPARTMENT OF STATE

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

CONSOLIDATED STATE PLAN

PRESENTED TO:
U.S. ELECTION ASSISTANCE COMMISSION

Jay Dardenne
Secretary of State
September 16, 2008

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Overview of the Louisiana Election System

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

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

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

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

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

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

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

Based on activities conducted under HAVA, the Secretary of State determined that a revised State Plan for Louisiana was necessary to outline the state's accomplishments to date, and address the remaining activities to be conducted under the requirements of HAVA. The State Plan was amended on November 10, 2006.

Louisiana will receive additional Title II federal funds in the amount of $1,720,843 and the State Plan is being amended again to reflect the additional funding and activities that will be conducted with the new federal allocation.

Meeting the Requirements of HAVA

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

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

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

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

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

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

Louisiana's HAVA Compliance:

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

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

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

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

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

When paper ballots are mailed out to the voter, the paper ballot is accompanied by instructions informing the voter on how to cast a vote on the paper ballot, including the proper technique in marking the selection and correcting a selection.

The Louisiana Legislature adopted provisions that instructed the Secretary of State to amend the instructions for casting a paper ballot to include information relative to using a pencil to mark the paper ballot allowing for corrections, and instructions on what effect selecting more than the allowed number of selections in a single election would have on the counting of the voter's ballot. The current instructions for completing a paper ballot are attached as Appendix "1".

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

Section 1.1.a. Audit capacity:

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

Louisiana's HAVA Compliance:

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

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

Section 1.1.b. Accessibility for individuals with disabilities:

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

Louisiana's HAVA Compliance:

Previously, two parishes used the iVotronic voting systems for Election Day voting and all sixty-four parishes used the iVotronic voting systems in the Registrar of Voters' offices for early voting in person. The state replaced the iVotronic voting systems for early voting with the AVC Edge voting systems. In addition, the two parishes that previously used the iVotronic voting systems for Election Day voting are using the AVC Advantage voting systems. The AVM-POM voting machines were replaced with the AVC Advantage voting systems that accommodate individuals confined to a wheelchair by lowering the ballot screen to a level that an individual would be able to reach. Both voting systems, the AVC Advantage and AVC Edge, are capable of being equipped with an audio voting keypad to accommodate individuals with disabilities.

HAVA provides that the requirement for a voting system to be accessible for individuals with disabilities is met if each polling place has at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities. Louisiana has a voting system at each precinct that is accessible for individuals with disabilities.

Section 1.1.c. Alternative language accessibility:

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

Louisiana's HAVA Compliance:

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

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

Section 1.1.d. Error rates:

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

Louisiana's HAVA Compliance:

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

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

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

Louisiana's HAVA Compliance:

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

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

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

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

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

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

Section 1.2 Provisional Voting (Section 302):

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

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

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

Louisiana's HAVA Compliance:

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

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

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

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

3) Counting of provisional ballots:

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

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

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

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

5) Results of Federal election:

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

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

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

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

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

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

5) Provisional voting has been conducted in the following elections in Louisiana: March 9, 2004 (Presidential Preference Primary); November 2, 2004 (Presidential Election and Congressional Primary); December 4, 2004 (Congressional General); November 7, 2006 (Congressional Primary); December 9, 2006 (Congressional General); February 9, 2008 (Presidential Preference Primary); March 8, 2008 (Special Congressional First Party Primary); April 5, 2008 (Special Congressional Second Party Primary); and May 3, 2008 (Special Congressional General).

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

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

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

Louisiana's HAVA Compliance:

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

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

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

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

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

5) La. R.S. 18:1306B.(3) requires the Secretary of State to prepare instructions, approved by the Attorney General, generally describing the particular early voting counting equipment used in the election to count early voting ballots or voting machines used to cast early voting ballots. The instructions inform the voter how to cast his vote, which shall include instructions for marking the early voting ballot and examples of the correct and incorrect methods of marking the ballot, if applicable.

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

Act 1220 of the 2003 Regular Session of the Louisiana Legislature:

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

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

Act 423 of the 2003 Regular Session of the Louisiana Legislature:

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

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

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

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

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

- Requires a single, uniform, official, centralized, interactive computerized list of all legally registered voters in the state and each voter assigned a unique identifier.
- Any election official may obtain immediate access to the list or database.
- Requires computerized list maintenance.
- Requires removal of individuals in accordance with the NVRA.
- Requires coordination of felony status and death records with state agencies.
- Requires security preventing unauthorized access.
- Requires verification of certain voter registration information provided by applicants. (Should an individual provide the last four digits of his social security number, verification must be obtained from the Social Security Administration via link through the Office of Motor Vehicles that the number provided is an accurate and valid number. State Election Officials and Motor Vehicle Authority shall enter into an agreement to match information in the statewide registration database and the OMV database to verify accuracy of information provided on voter registration application.)

- Requires applicant to provide driver's license number, if issued, or last four digits of social security number, if issued. If applicant has neither, a unique number will be generated to identify the individual.
- Requires sharing of information in databases.

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

Louisiana's HAVA Compliance:

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

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

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

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

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

- Added field for driver's license number on application entry screen and forms.
- Added driver's license number and Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles (OMV) data to add/update screen.
- Developed applications to process verification and exchange information with OMV.
- Developed programs to update/add/load information provided by OMV.
- Developed reports for Registrars of Voters.

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

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

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

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

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

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

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

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

- Whether the registrant is a citizen of the United States.
- Whether the registrant will be 18 years of age or older by the next election date.
- Instructions on discontinuing the application process if the answer to one of these two questions is "no".
- Instructions that certain verification information must be provided with the mail-in registration form in order to avoid the necessity for the provision of additional verification information upon voting for the first time.

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

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

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

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

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

- Current and valid photo identification; or

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

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

Louisiana's HAVA Compliance:

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

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

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

Section 1.6 Other activities to improve the administration of elections:

The State of Louisiana will issue a certification pursuant to 42 U.S.C. §15401 that the state will use the Title II requirements payments to carry out other activities to improve the administration of elections for Federal office. The State's proposed uses of the requirements payments are not inconsistent with the requirements of

Title III of HAVA and the use of the funds is consistent with the requirements of Section 251(b) of HAVA. These activities will include, but not be limited to, the following:

•Act 135 of the 2008 Regular Session of the Louisiana Legislature continued the program authorizing early voting at additional locations and as the program is expanded the Department of State may need to procure additional voting systems and equipment.

•Providing the capability for e-mailing ballots to military and overseas voters after the integration of the LASOS system into ERIN.

•Establishing and using an on-line educational training program for election officials and poll workers through the Department of State's website.

•Expanding the project to provide images of voter registration documents for disaster recovery and to provide continuity of business in the offices of the Registrars of Voters.

•Providing functionality in the ERIN system to track provisional ballots and implementing an enhanced website so that a voter can determine if his provisional ballot was counted, and if the ballot was not counted, the reason for the rejection of the ballot.

•Analyzing the business processes involved in elections and automating the form submission and approval process of manual forms used by the Department of State during the election cycles.

•Web conferencing between the Department of State and election officials to discuss projects/problems/processes impacting elections for Federal office.

Managing Disbursement of HAVA Funds

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

The (ERIN) system and the (LASOS) system are funded solely through Louisiana's annual state appropriations bill. All funds are expended through Louisiana's Integrated Statewide Information System (ISIS) and follow the criteria of eligibility contained in the Department of State's Financial Accounting and Administrative Policy for allowable expenses and the Louisiana Procurement Code.

In Louisiana, the procurement of voting systems is done on a state level rather than a parish level by the Department of State. As a result, there are no distributions of HAVA requirements payments for the procurement of voting systems to parishes, units of local government, or other entities.

All other HAVA requirements payments are paid through the Department of State; however, in the event that requirements payments are distributed to parishes, the parishes will be required to provide all necessary documentation to substantiate expenses to be reimbursed to the parish.

All funds expended under HAVA are subject to financial and compliance audits through federal auditors, the Louisiana Legislative Auditor's Office and the Department of State's Internal Audit Division.

Educational Programs

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

Section 3.1 Election Official Education and Training:

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

The Registrar of Voters for each parish is responsible for the following voter registration and election functions: conducting voter registration; maintaining accurate voter registration records; conducting the annual canvass of registered voters; making changes to voter registration rolls relative to reapportionment and

changes in district lines; conducting early voting in person and absentee voting by mail; and serving as a member of the Parish Board of Election Supervisors.

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

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

The Department of State will continue to prepare training DVDs for the Clerks of Court and Registrars of Voters to use for elections for Federal office with specific information relating to the races that are on the ballot.

Section 3.2 Poll Worker Training:

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

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

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

Since 2006, The *Informational Pamphlet for Election Day Voting* that is used to train the election poll workers (commissioners) has been revised to incorporate the provisions of provisional voting for elections for Federal office. Revisions to the *Informational Pamphlet for Election Day Voting* will continue to be made to incorporate federal and state legislative changes relating to elections for Federal office.

The Department of State will establish an online poll worker education program which will assist voters in qualifying to serve as election poll workers. In addition, existing election poll workers will be able to access the Department of State's website to review election procedures.

Section 3.3 Voter Education:

Voter education is of vital importance to the election process. Voter education includes the following: educating voters as to what is contained on the ballot; use of the AVC Advantage and AVC Edge voting systems; polling place locations; election dates for Election Day voting, early voting in person, and absentee voting by mail; voting at the precinct on Election Day; casting an absentee by mail ballot; early voting process; provisional voting; and registering to vote. The goal of voter education is to provide educational programs and information to all voters to facilitate a firm understanding of the election and registration processes and applicable laws that govern the conduct of elections in Louisiana. To that end, the Secretary of State is making it a priority to coordinate with governmental agencies

and non-governmental organizations to ensure that all strata of the Louisiana population are reached through voter education programs. In addition, the State is making this information available to individuals with disabilities and is working with the disability community on how to more efficiently and effectively provide this information.

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

- Prescribe uniform rules, regulations, forms, and instructions as to standards for effective nonpartisan voter education. Standards shall address but shall not be limited to voter education concerning voter registration, balloting procedures, distribution of sample ballots, and effective voter education methods.
- Review current voter education programs within Louisiana.
- Prepare an annual report on the effectiveness of voter education programs.
- Develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week, and generally be responsible for implementation of such voter registration week.

The rules and regulations relating to the annual voter registration week were adopted by the Secretary of State and published in the December 20, 2005 issue of the "Louisiana Register."

The Department of State implemented a more comprehensive voter education program to comply with the requirements of Act 286 of the 2003 Regular Session of the Louisiana Legislature and the following activities have been included in the program since 2006:

•Expansion of website information on registration and voting, including providing more comprehensive information relating to elections for Federal office. The Department of State is also preparing an instructional presentation for the Department of State's website that will show how to use the voting systems, including information for voters with disabilities.

•Expansion of the toll-free telephone system for election information.

•Coordination with parish election officials to establish community-based programs for voter outreach and education programs.

•Participation in the National Student/Parent Mock election with the Department of State's elections outreach division coordinating the activities for the State of Louisiana.

•Dissemination of public service announcements for voter education and registration information.

•Conducting seminars throughout Louisiana for voter education and registration. In August of 2008, the Department of State will conduct voting rights seminars for the elderly and individuals with disabilities that will include information on closed party primary congressional elections and the seminars will be advertised in radio advertisements on a statewide basis.

Act 560 of the 2006 Regular Session of the Louisiana Legislature provided for a closed party primary system for congressional elections in Louisiana. In the fall of 2008, Louisiana will hold its first statewide closed party primary congressional elections since 1976. The Department of State will conduct a statewide media campaign geared toward educating the electorate about federal elections and how federal elections interact with state and local elections. The media campaign will also include information on accessibility for voters with disabilities.

In 2008, the following brochures and pamphlets will be published:

Guide to Using the Audio Voting Keypad; State of Louisiana Voting Rights for the Elderly and Individuals with Disabilities; and Voting in Louisiana: A How to Guide. The publications will be updated, as needed, due to legislative and procedural changes and the updated versions of the publications will be placed on the Department of State's website.

Audio Voting Keypad Quick Chart - A new instructional sheet that was designed to streamline the instructions for use of the audio voting keypad. In addition, the Department of State will have the chart printed in Braille to use when conducting voter education seminars. The chart is on the Department of State's website and is available for visually impaired voters who are screen readers.

Voting System Standards

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

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

HAVA Fund

SECTION 5. How the State will establish a fund described in subsection (b) for the purposes of administering the State's activities under this part, including information on fund management. (Section 254(a)(5), 42 U.S.C. §15404(a)(5))

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

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

State Budget

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

Title I Funds:

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

Title II Funds (Requirements Payments):

Louisiana received Title II federal funds in federal fiscal year 2004 ($12,549,220) and in federal fiscal year 2005 ($22,518,452). As of federal fiscal year 2005, the total amount of Title II payments received by Louisiana was $35,067,672. On January 24, 2008, Louisiana received notification of a new federal allocation of $1,720,843 in Title II federal funds. With this additional federal allocation, the total amount of Title II requirements payments will be $36,788,515.

Under the provisions of Title II, the State of Louisiana must provide a state match of five percent of the total of the requirements payments received which will be $1,936,238. The United States Election Assistance Commission (EAC) has advised the State of Louisiana that a state match will not be required for any interest accumulations received on Title II requirements payments.

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

The original budget estimates in the August 1, 2003 State Plan were based on various projections, the unknown cost of procuring electronic voting systems, and the uncertainty in the amount of funds necessary to implement the requirements of HAVA. After proceeding with the HAVA grant and procuring the HAVA compliant voting systems for Louisiana, it was determined that the original estimated budget for Title II federal expenses for Louisiana should be revised. In November of 2006, the Department of State through the Help America Vote Advisory Committee amended the State Plan based upon projected needs for HAVA funding.

Annually, federal funds, interest funds collected and state funds are allocated to HAVA in the Department of State's budget request and annual state appropriations bill. These funds will continue to be requested and appropriated until the HAVA program is complete and/or all funds appropriated to HAVA have been expended.

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

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

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

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

Budget for Title II Federal Expenses Based Upon Amendment #1 to the Louisiana State Plan dated November 10, 2006

Budget Item	Title II federal funds allocated	Title II federal budget balance as of 7/31/08
Replacement of non-compliant lever-operated voting systems and upgrade of existing electronic voting systems to meet disability access requirements, including installation, implementation and training.	$26,800,000	$0
1) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 2) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities.	$7,722,672	$0
Voter education, election official education and training, and poll worker training for meeting the requirements of Title III of HAVA.	$525,000	$0
Update voting system standards.	0 – State funds[3]	$0
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan.	$20,000	$19,420
Telecommunications.	0 – State funds	$0
Voting information requirements.	0 – State funds	$0
Provisional voting.	0 – State funds	$0
State-based administrative complaint procedure.	0 – State funds	$0
Requirements for first time voters who register by mail.	0 – State funds	$0

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

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

Budget for Title II Federal Expenses Based Upon Amendment #2 to the Louisiana State Plan

The total amount of Title II federal funds received by Louisiana will be $36,788,515. The Department of State will apply for the additional funding in the amount of $1,720,843 upon issuance of a certification to the EAC. All current and future interest collections will be distributed between the categories listed below, as needed, and to perform other activities to improve the administration of elections for Federal office. As of June 30, 2008, Louisiana has received $3,399,269 in interest collections of which $1,291,327 has been expended or encumbered. The balance of interest collections as of June 30, 2008 is $2,107,942.

Budget Item	Amendment #2, Title II federal funds budget balance
1) Enhancement, improvement, upgrade and acquisition of equipment for voting systems for absentee by mail voting, early voting and election day voting; purchase of additional voting systems for early voting and election day voting, including installation, implementation and training; and security of voting systems and registration system for early voting at remote sites. 2) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 3) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities. 4) Implementation of on-line election official education and training and poll worker training. 5) Activities to improve the administration of elections for Federal office.	$1,239,263
Voter education and outreach, election official education and training, and poll worker training.	$500,000
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan.	$1,000
TOTAL TITLE II FEDERAL FUNDS BUDGET BALANCE (AMENDMENT #2)	$1,740,263

Louisiana's Maintenance of Effort

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

Louisiana has a state-driven election system and Louisiana has and will maintain the expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures for Louisiana for expenditures consistent with the requirements of Title III of HAVA. Under the provisions of EAC Advisory 07-003-A, the fiscal year to be used as the base should be the state fiscal year encompassing June 18, 2003, which is the first date that Louisiana received its first disbursement of HAVA funds. Therefore, state Fiscal Year 2002-2003 is the base year and the maintenance of effort level is $15,998,618 and this is the actual amount of expenses incurred in state Fiscal Year 2002-2003.

Performance Goals and Measures

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

Section 8.1 Replacement of lever voting machines:

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

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

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

4) Responsible Official: Secretary of State.

Section 8.2 Voting accessibility for individuals with disabilities:

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

2) Criteria: Provide at least one direct recording electronic voting system for individuals with disabilities in each precinct in Louisiana.

3) How Criteria are Judged: Success of meeting the performance goal will be based on the placement or retrofitting of direct recording electronic voting systems until each precinct has a voting system that is accessible to individuals with disabilities. The State of Louisiana met its goal in 2006.

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

Section 8.3 Statewide voter registration system:

1) Deadline: January 1, 2006.

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

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

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

Section 8.4 Provisional voting:

1) Deadline: January 1, 2004.

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

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

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

Section 8.5 Posting of voting information:

1) Deadline: January 1, 2004.

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

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

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

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

1) Deadline: January 1, 2006.

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

3) How Criteria are Judged: Success of meeting this performance goal was based on the establishment and implementation of the voter education program for the

paper ballot voting system used in Louisiana. The State of Louisiana met its goal prior to January 1, 2006.

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

Section 8.7 Integration of the existing LASOS system into ERIN:

1) Deadline: September 30, 2009.

2) Criteria: Currently, the LASOS system (candidate qualifying, ballots, commissions, offices and races; election administration; commissioner pay; and election results) and the ERIN system (registration) are maintained in two separate systems requiring duplicate maintenance of essential elements for building elections. The mechanisms by which elections are conducted will be migrated into the voter registration system to have a single system of data. This integration will benefit all future federal elections.

3) How Criteria are Judged: Success of meeting this performance goal will be based on the completion of the migration to one statewide system for all election matters.

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

Section 8.8 Establishment of a new election results reporting website:

1) Deadline: November 4, 2008.

2) Criteria: During federal election cycles, the volume of requests to the Department of State's website for election results is greater than the system currently has the capacity to process. The website will be enhanced to improve the user experience, to enable better reporting for the media, and to allow greater access than is currently available.

3) How Criteria are Judged: The success of meeting this performance goal will be based on expediting access to election results, especially during the high volume period on election day.

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

Section 8.9 Implementation of GIS system and other measures to improve redistricting and the reapportionment process:

1) Deadline: January 1, 2010.

2) Criteria: With the upcoming federal decennial census, the Department of State will need a more efficient way to manage the reapportionment process and concurrent redistricting of voters due to the current manual determination of correct districts for voters.

3) How Criteria are Judged: The success of meeting this performance goal will be based on reducing the timeframe for completing the reapportionment process and increasing the accuracy of the process.

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

Section 8.10 Scanning deployment to remaining parishes:

1) Deadline: December, 2009.

2) Criteria: Implementation of scanning of registration documents will provide images of voter registration documents for protection of documents for disaster recovery; expedite processing of absentee by mail requests; expedite processing of provisional ballots; expedite verification of party registration of voters for congressional closed party primary elections; and provide business continuity in the offices of the Registrars of Voters, including entering registration data with a higher degree of accuracy.

3) How Criteria are Judged: The success of meeting this performance goal will be based on implementing the scanning project in the remaining parishes within the established timeframe, including providing training to the Registrars of Voters.

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

Section 8.11 Provisional voting tracking:

1) Deadline: Fall, 2010.

2) Criteria: Providing functionality in the ERIN system to track eligible voters who cast provisional ballots that are counted, including providing an automated mechanism to track provisional ballots that are rejected. Implementing an

enhanced website so that a voter can determine if his provisional ballot was counted, and if the ballot was not counted, the reason for the rejection of the ballot.

3) How Criteria are Judged. The success of meeting this performance goal will be based on implementing the process within the established timeframe.

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

Section 8.12 Continuation of early voting program:

1) Deadline: Fall, 2008 (ongoing).

2) Criteria: Conducting early voting at additional locations in the state that are not located in the offices of the parish Registrars of Voters.

3) How Criteria are Judged: The success of meeting this performance goal will be based on implementing early voting at additional locations in the state, including establishing secure locations for the conduct of early voting, providing staff, and providing early voting equipment.

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

Administrative Complaint Procedure

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

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

Elements of the Louisiana's Administrative Complaint Procedure include:

- The complaint must be in writing, signed by the complainant, executed before a notary public, and sworn to under oath.
- The complaint shall be filed with the Secretary of State within 90 days after the final certification of the Federal election.
- The complainant may request that the State Board of Election Supervisors (State Board) conduct a hearing on the record.
- The complainant, any respondent, or any other interested person may appear at the hearing and testify or present tangible evidence in connection with the complaint.
- The State Board shall determine whether a violation of Title III has occurred and shall issue a written decision.
- The final decision of the State Board shall be issued within 90 days from the date the complaint was filed, and the decision shall be posted on the Secretary of State's website.
- If the State Board fails to issue a final decision within 90 days from the date the complaint was filed or within any extension to which the complainant consents, the complaint shall be referred for final resolution to the Division of Administrative Law.
- An administrative law judge shall issue a written resolution of the complaint within 60 days after the final board decision was due.
- The final decision of the State Board or the final resolution of the administrative law judge may be judicially reviewed by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge, within 30 days after the mailing of the notice of the final decision.

Use of Title I Payment

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

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

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

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

Budget for Title I, Section 101 Federal Expenses Based Upon Amendment #1 to the Louisiana State Plan dated November 10, 2006

Budget Item	Title I, Section 101 federal funds allocated	Title I, Section 101, federal budget balance as of 7/31/08
Replacement of paper ballot voting system for early voting in person with new voting system, including installation, implementation and training.	$1,538,759	$0
1) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 2) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities.	$3,322,662	$3,099,289
Remaining Section 101 funds to be used for purposes outlined in Section 101.	$50,000	$0
TOTAL TITLE I, SECTION 101, FEDERAL FUNDS (AMENDMENT #1)	$4,911,421	$3,099,289

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

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

Budget for Title I, Section 101 Federal Expenses Based Upon Amendment #2 to the Louisiana State Plan

Louisiana received $4,911,421 in Title I, Section 101 funds for the purpose of improving the administration of elections for Federal office. All current and future interest collections will be distributed between the categories listed below as needed, and for purposes outlined in Section 101 of HAVA. As of June 30, 2008, Louisiana has received $817,093 in interest collections on Title I, Section 101 funds and none of the accumulated interest has been expended or encumbered.

Budget Item	Amendment #2, Title I, Section 101 federal funds budget balance
1) Enhancement, improvement, upgrade and acquisition of equipment for voting systems for absentee by mail voting, early voting and election day voting; purchase of additional voting systems for early voting and election day voting, including installation, implementation and training; and security of voting systems and registration system for early voting at remote sites. 2) Statewide voter registration database, including software and hardware, and services to upgrade/replace obsolete software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve voter registration, ballot preparation and voting system programming. 3) Implementation of technology to significantly enhance and improve voter registration, absentee and election day voting and reporting of activities. These improvements will require significant investments in hardware, software and services both at the state and local level. Initiatives will be focused on reducing manual data entry and processing, insuring the integrity of the process through more automated records retention, development of more secure, direct, interactive and integrated connections between local, state and federal agencies to insure proper list maintenance, web enabling functions making it easier for the citizenry to update their records and providing stakeholders with significantly enhanced statistical and reporting capabilities. 4) Implementation of on-line election official education and training and poll worker training. 5) Purposes outlined in Section 101 of HAVA.	$3,099,289
TOTAL TITLE I, SECTION 101, FEDERAL FUNDS (AMENDMENT #2)	**$3,099,289**

State Plan Management

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

The Secretary of State as the "chief election officer of the state" will continue to be responsible for the ongoing management and implementation of Louisiana's plan with input from the Clerks of Court and Registrars of Voters to continue to comply with the requirements of HAVA.

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

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

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

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

Changes to State Plan from Previous Fiscal Year

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

Amendment #1 to the state plan contained funding changes to the state plan dated August 1, 2003 as follows:

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

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

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

Amendment #2 to the state plan contains changes to the state plan dated November 10, 2006 as follows:

1) Updates the activities to improve the administration of elections for Federal office.

2) Updates the activities relating to educational programs for election officials, election poll workers, and voters.

3) Updates the budget allocations and use of the Title II federal funds, increases the federal funding by $1,720,843, and updates the budget allocations for current and future interest accumulations.

4) Updates and provides additional performance goals and measures that will be used by the State of Louisiana to determine its success in carrying out the plan.

5) Updates the budget allocations and use of the Title I payments for Title I, Section 101 funds and updates the budget allocations for current and future interest accumulations.

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

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

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

Implementation of Voting Systems:

Early voting: The Department of State completed the implementation of the AVC Edge voting system in all parishes in the state for early voting that was conducted prior to the September 30, 2006 statewide election.

Election day voting: The Department of State completed implementation of the AVC Advantage voting system in all parishes in the state for the September 30, 2006 statewide election. In addition, the Department of State purchased additional AVC Advantage voting systems for one voting system precincts in June of 2008 and the voting systems were purchased with state general fund dollars.

Early voting program:

Act 135 of the 2008 Regular Session of the Louisiana Legislature authorizes the continuation of the program for early voting at additional locations selected by the Secretary of State based on feasibility, accessibility, and the number of registered voters. The Department of State, in conjunction with the Registrars of Voters in two parishes, conducted early voting at additional locations in 2007 and the Department is in the process of expanding the program and has requested approval from the Louisiana Legislature to conduct the early voting program in additional parishes for the fall elections in 2008.

Provisional Voting:

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

In 2003 and 2004, the Department of State prepared forms for use in provisional voting. The Secretary of State established a free access system to allow an individual who casts a provisional ballot to ascertain whether his vote was counted, and, if his vote was not counted the reason his vote was not counted. The Secretary of State prepared an updated informational pamphlet supplement providing election officials and poll workers with instructions for provisional voting, counting and tabulation of provisional ballots, and posting of information on provisional voting. The Secretary of State worked in conjunction with the Clerks of Court and Registrars of Voters to implement provisional voting for Election Day voting and early voting.

Provisional voting was conducted in elections for Federal offices on March 9, 2004 (Presidential Preference Primary); November 2, 2004 (Presidential Election and Congressional Primary); December 4, 2004 (Congressional General); November 7, 2006 (Congressional Primary); December 9, 2006 (Congressional General); February 9, 2008 (Presidential Preference Primary); March 8, 2008 (Special Congressional First Party Primary); April 5, 2008 (Special Congressional Second Party Primary); and May 3, 2008 (Special Congressional General).

PROVISIONAL VOTING STATISTICS (2004, 2006 and 2008)

ELECTION DATE	NUMBER OF PROVISIONAL BALLOTS CAST	NUMBER OF PROVISIONAL BALLOTS COUNTED	NUMBER OF PROVISIONAL BALLOTS REJECTED
March 9, 2004	273	168	105
November 2, 2004	5,880	2,312	3,568
December 4, 2004	29	25	4
November 7, 2006	274	137	137
December 9, 2006	69	58	11
February 9, 2008	2634	132	2502
March 8, 2008	164	31	133
April 5, 2008	93	11	82
May 3, 2008	9	6	3

Voting Information Requirements:

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

Act 1220 of the 2003 Regular Session of the Louisiana Legislature requires the Secretary of State to supply informational posters as required by HAVA. The act also requires the commissioners to post informational posters at the precinct. The Secretary of State prepared new informational posters that provided the following information: instructions for mail-in registrants and first time voters under Section 303(b); general information on voting rights under applicable federal and state

laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

In 2004, the Department of State furnished posters providing the date of the election and poll hours to be posted at every precinct in the State of Louisiana. In addition, the Department of State prepared instructions that inform voters how to vote, how to cast a vote, and how to cast a provisional ballot.

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

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

Computerized Statewide Voter Registration List:

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

Registration information verification:

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

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

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

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

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

ERIN system modernization:

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

Computer upgrades:

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

ERIN upgrades:

In 2006, development of the new system continued and Phase I of the project went live on August 1, 2006. This new system contains all of the functionality from the old, but adds more user friendly functionality for meeting some specific HAVA requirements, such as duplicate registrant detection and verification procedures.

The Department of State completed the following major enhancements and programs: improving the canvass process; adding voter queue for applications received after the close of books; continuing the process of reviewing information contained in the Social Security Administration Death Master File; redesigning the election results website; migration and redesign of the Louisiana Poll Locator; processing user group requests; and obtaining and delivering new printers to registrars of voters.

Records retention:

The project to insure the retention of voter registration records through imaging (scanning), indexing, storage and retrieval of paper documents for the Orleans and Cameron Parish Registrars of Voters was completed in September of 2007 and the project will be expanded to the remaining parishes in the State of Louisiana.

Requirements of Registration Applications:

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

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

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

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

Election Official Education and Training:

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

Prior to the federal elections in 2006, the Department of State conducted training sessions for election officials on provisional voting.

In 2007, each Clerk of Court was provided with a Clerk of Court Training DVD prepared by the Department of State for use at commissioner schools. This DVD contains training information and instructions on the following: use of the AVC Advantage voting system; use of the new audio voting keypad; and the proper etiquette when an individual with a disability goes to the polls on Election Day. On Election Day, the audio voting keypad shall be offered by the election poll workers to individuals who are visually impaired, blind, illiterate, physically disabled, or have difficulty understanding the written word.

The *Informational Pamphlet for Election Day Voting* was revised to include updated voting information and incorporate the provisions of provisional voting.

The Department of State conducted training sessions for election officials on the congressional closed party primary elections and provisional voting prior to the special congressional elections in the spring of 2008. The Department of State also prepared DVDs for the Clerks of Court and Registrars of Voters to use for training with specific information relating to the special congressional elections that were held in the spring of 2008 and the elections for Federal office that are scheduled for the fall of 2008.

Training on the new voting system:

In 2006, the Department of State held parish by parish and statewide training on the new voting system for local election officials and fully supported the first two elections in every parish on the new voting system. The Department of State continues to provide training and support on the voting systems.

Voter Education:

Voter registration week:

In Act 286 of the 2003 Regular Session of the Louisiana Legislature, the Department of State was required to adopt rules and regulations relating to the annual voter registration week. On December 20, 2005, the rules that were adopted by the Secretary of State were published in the "Louisiana Register".
In August of 2005, the State of Louisiana conducted its first annual voter registration week (August 22-26, 2005) to inform the citizens of Louisiana as to

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

The annual voter registration week authorized by Act 286 of the 2003 Regular Session of the Louisiana Legislature was held August 7-11, 2006; August 27-31, 2007; and July 14-18, 2008.

Informational pamphlets and brochures:

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

Your Voice Register and Vote: A How to Guide - This brochure contains the information an individual will need on voter registration, voting, special handicap program, election poll workers, complaints, and contacts. The Department of State printed 50,000 copies of this brochure. All copies have been distributed to the Registrars of Voters, Clerks of Court, the Department's Outreach Program, and to aging and disability consortium groups throughout the State of Louisiana. The Department of State updated this brochure in time for the annual voter registration week and for voter outreach programs to demonstrate the new voting systems for the fall of 2006.

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

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

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

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

In 2006, the following brochures and pamphlets were published:

Guide to Using the Audio Voting Keypad; State of Louisiana Voting Rights for Individuals with Disabilities and Residents of Nursing Homes; and *Your Voice Register and Vote: A How to Guide.* The publications will be updated, as needed, due to legislative and procedural changes and the updated versions of the publications will be placed on the Department of State's website.

Audio Voting Keypad Quick Chart - A new instructional sheet that was designed to streamline the instructions for the use of the audio voting keypad. In addition, the Department of State used the charts when conducting voter education seminars. The chart is on the Department of State's website and is available for visually impaired voters who are screen readers.

Seminars:

In 2006, the Department of State held nine regional seminars for individuals with disabilities to provide voting information and demonstrate the new voting systems with the audio voting keypad.

In 2008, the Department of State will hold nine regional seminars for individuals with disabilities, the elderly and various organizations that work with individuals with disabilities and the elderly to provide information on registration, voting and the congressional closed party primary elections.

Help America Vote Advisory Committee

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

In May of 2008, Jay Dardenne, Secretary of State, named the following members to serve on the Louisiana Help America Vote Advisory Committee:

Honorable Jay Dardenne (Chairman)
Secretary of State
Department of State
Post Office Box 94125
Baton Rouge, Louisiana 70804-9125
Secretary of State

Honorable Louie Bernard
Clerk of Court, Natchitoches Parish
Post Office Box 476
Natchitoches, LA 71458-0476
Chief Parish Election Official

Mr. Jason Collier
9929 Mint Drive
Baton Rouge, LA 70809
Representative of the Disabilities Community

Honorable Richard "Rick" Gallot, Jr.
State Representative
Post Office Box 1117
Ruston, Louisiana 71273-1117
Chairman of the House & Governmental Affairs Committee of the Louisiana Legislature (Democrat)

Honorable Jon A. Gegenheimer
Clerk of Court, Jefferson Parish
Post Office Box 10
Gretna, Louisiana 70054
Chief Parish Election Official in the second largest jurisdiction

Honorable Robert W. "Bob" Kostelka
State Senator
Post Office Box 2122
Monroe, Louisiana 71207
Chairman of the Senate & Governmental Affairs Committee of the Louisiana Legislature (Republican)

Ms. Angie LaPlace
Commissioner of Elections
Post Office Box 94125
Baton Rouge, Louisiana 70804
Representative of the Louisiana Department of State

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

Honorable Arthur Morrell
Clerk of the Criminal Court, Orleans Parish
2700 Tulane Ave., Room 115
New Orleans, Louisiana 70119
Chief Parish Election Official in the largest jurisdiction

Honorable Karen Carter Peterson
State Representative
1215 Prytania St., Suite 364
New Orleans, Louisiana 70130
Representative of the Louisiana Legislative Black Caucus

Honorable Linda Rodrigue
Registrar of Voters, Terrebonne Parish
Post Office Box 9189
Houma, LA 70361
Representative of the Registrars of Voters

Honorable John Russell
Registrar of Voters, Tangipahoa Parish
Post Office Box 895
Amite, LA 70422-0895
Representative of the Registrars of Voters

Ms. Lois V. Simpson, Executive Director
The Advocacy Center
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The Louisiana Help America Vote Advisory Committee (2003) met on June 5, 2003 and adopted the Preliminary State Plan. After the public notice and comment period, the plan was submitted for publication in the Federal Register and the State Plan became final on August 1, 2003.

The Louisiana Help America Vote Advisory Committee (2006) adopted the Preliminary Amended State Plan on June 29, 2006. After the public notice and comment period, the amended plan was submitted for publication in the Federal Register and the Amended State Plan became final on November 10, 2006.

The Louisiana Help America Vote Advisory Committee (2008) adopted the Preliminary Amended State Plan Amendment #2 on July 31, 2008. The plan was made available on the Department of State's website for public inspection and comment for more than thirty days. In addition, the Department of State published notice in the Official State Journal on August 13, 2008 and August 30, 2008 that the Preliminary Amended State Plan Amendment #2 was available at the office of the Department of State, Legal Division, for public inspection and comment. The Department of State did not receive any public comments as of the close of business on September 15, 2008 regarding the Preliminary Amended State Plan Amendment #2.

The State Plan dated August 1, 2003, the Amended State Plan dated November 10, 2006 and the Amended State Plan Amendment #2 dated September 16, 2008 have been merged into the Consolidated State Plan.

APPENDIX 1

ABSENTEE BALLOT INSTRUCTIONS

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

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

REGULAR ABSENTEE BALLOT (White)

Instructions for voting WHITE regular absentee ballot for primary election

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

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

SPECIAL ABSENTEE BALLOT (Green)

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

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

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

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

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

ASSISTANCE TO VOTERS

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

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

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

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

APPENDIX 2

ACT 403 OF THE 2006 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

ACT No. 403

HOUSE BILL NO. 909
BY REPRESENTATIVE BRUNEAU

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

§18. Secretary of state; powers and duties

* * *

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

* * *

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

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

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

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

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

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

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

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

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

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

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

* * *

§104. Application for registration; form

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

* * *

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

* * *

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

* * *

§115. Registration by mail

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F.

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

* * *

(d)

* * *

(ii) When a person has submitted an application to vote absentee by mail pursuant to this Subparagraph, the registrar shall, prior to sending the absentee by mail ballot, contact the appropriate election official in the jurisdiction where the applicant has requested for his absentee by mail ballot to be sent, attempt to verify that the person has not registered to vote in that jurisdiction, or if such jurisdiction has a statewide voter registration database, in that state. If the registrar finds that the person has registered in that jurisdiction or state, the person shall not be permitted to vote absentee by mail and the registrar shall proceed in accordance with the applicable provisions of Part V of this Chapter.
(iii) Upon expiration of the effectiveness of Item (i) of this Subparagraph, any voter who has voted absentee by mail pursuant to this Subparagraph who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered for purposes of Paragraph (1) of this Subsection and shall be subject to the requirements of that Paragraph.

* * *

§132. Offices furnished registrar; supplies; expenses

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

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

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

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

* * *

§152.1. Destruction of records of the registrar of voters

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

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

* * *

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

* * *

D.

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

* * *

§425. Commissioners

A.

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

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

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

* * *

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

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

* * *

B.

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

* * *

§441. Recognition

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

* * *

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

acts or omissions

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

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

* * *

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§564. Assistance in voting

* * *

D.

* * *

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

* * *

§583. Procedure for anticipated vacancies

* * *

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

* * *

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

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

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

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

* * *

§654. Effect of filing of resignations

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

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

* * *

§1308.3. Special provision for temporarily displaced persons

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

§1309. Early voting application and early voting

* * *

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

* * *

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

* * *

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

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

* * *

§1314. Absentee by mail and early voting commissioners

* * *

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

* * *

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

* * *

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

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

* * *

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

* * *

(1)

* * *

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

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

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

* * *

§571. Counting and tabulating the votes

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

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

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

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

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

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

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

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

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

(b) Sign the completed machine certificates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The original of the machine certificates.

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

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

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

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

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

* * *

§573. Evidence of election results

A.

* * *

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

* * *

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

* * *

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

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

APPENDIX 3

LOUISIANA MAIL VOTER REGISTRATION APPLICATION

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

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

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

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

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

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

Box 4: Provide your age.

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

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

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

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

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

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

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

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

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

LOUISIANA MAIL VOTER REGISTRATION APPLICATION FORM # 0110

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

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

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

GIVE LOCATION

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

MAILING ADDRESS, IF DIFFERENT

4 AGE **5 DATE OF BIRTH** MONTH DAY YEAR

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

7 SEX (CIRCLE ONE) MALE FEMALE

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

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

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

11 ** DAYTIME PHONE ( )

12 ** HOME PHONE ( )

13 LAST RESIDENCE ADDRESS ADDRESS

14 PLACE OF LAST REGISTRATION PARISH OR COUNTY STATE

15 MOTHER'S MAIDEN NAME

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

17 FORMER REGISTERED NAME, IF APPLICABLE

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

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

19 SIGN YOUR NAME IN BOX AT RIGHT.

DATE: ____/____/____

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

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

ACADIA
Courthouse - #115
Crowley, LA 70526-4363
(337) 788-8841
ALLEN
P. O. Box 160
Oberlin, LA 70655-0150
(337) 639-4396
ASCENSION
828 S. Irma Blvd. - #205
Gonzales, LA 70737-3631
(225) 621-5790
ASSUMPTION
P. O. Box 378
Napoleonville, LA 70390-0578
(985) 369-7347
AVOYELLES
312 N. Main St. - #E
Marksville, LA 71351-2409
(318) 253-7129
BEAUREGARD
P. O. Box 952
DeRidder, LA 70634-0952
(337) 463-7955
BIENVILLE
P. O. Box 697
Arcadia, LA 71001-0697
(318) 263-7407
BOSSIER
P. O. Box 835
Benton, LA 71006-0835
(318) 965-2301
CADDO
P. O. Box 1253
Shreveport, LA 71163-1253
(318) 226-6681
CALCASIEU
1000 Ryan St. - #7
Lake Charles, LA 70601-5256
(337) 437-3572
CALDWELL
P. O. Box 1107
Columbia, LA 71418-1107
(318) 649-7364

CAMERON
P. O. Box 10
Cameron, LA 70631-0001
(337) 775-5493
CATAHOULA
P. O. Box 215
Harrisonburg, LA 71340-0215
(318) 744-5715
CLAIBORNE
507 W. Main - Suite 1
Homer, LA 71040-3914
(318) 927-3332
CONCORDIA
400 Carter St. - #4
Vidalia, LA 71373-3021
(318) 336-7770
DESOTO
105 Franklin St.
Mansfield, LA 71052-2046
(318) 872-1149
EAST BATON ROUGE
222 St. Louis - #201
Baton Rouge, LA 70802-5860
(225) 389-3940
EAST CARROLL
400 First St.
Lake Providence, LA 71254
(318) 559-2215
E. FELICIANA
P. O. Box 488
Clinton, LA 70722-0488
(225) 683-3105
EVANGELINE
200 Court St. - Ste. 102
Ville Platte, LA 70586-4483
(337) 363-5538
FRANKLIN
500 Main St.
Winnsboro, LA 71295-2750
(318) 435-4499
GRANT
Courthouse
200 Main St.
Colfax, LA 71417-1628
(318) 627-9698

IBERIA
300 Iberia St. - #110
New Iberia, LA 70560-4543
(337) 369-4407
IBERVILLE
P. O. Box 554
Plaquemine, LA 70765-
(225) 687-5201
JACKSON
500 E. Court - #102
Jonesboro, LA 71251-3400
(318) 259-2486
JEFFERSON
P.O. Box 10494
Jefferson, LA 70181-0494
(504) 736-6191
JEFFERSON DAVIS
Courthouse
300 State St.
Jennings, LA 70546-5361
(337) 824-4834
LAFAYETTE
1010 Lafayette - #313
Lafayette, LA 70501-6885
(337) 291-7140
LAFOURCHE
307 W. 4th St. - #101
Thibodaux, LA 70301-3105
(985) 447-3256
LASALLE
P. O. Box 2436
Jena, LA 71342-2439
(318) 992-2254
LINCOLN
100 W. Texas Ave. - #10
Ruston, LA 71270-4463
(318) 251-5110
LIVINGSTON
P.O. Box 968
Livingston, LA 70754-0968
(225) 686-3054
MADISON
100 N. Cedar St.
Tallulah, LA 71282-3892
(318) 574-2193

MOREHOUSE
129 N. Third St.
Bastrop, LA 71220-3815
(318) 281-1434
NATCHITOCHES
P. O. Box 677
Natchitoches, LA 71458-0677
(318) 352-2211
ORLEANS
1300 Perdido - #1W23
New Orleans, LA 70112-2127
(504) 658-8300
OUACHITA
400 St. John - #106
Monroe, LA 71201-7342
(318) 327-1438
PLAQUEMINES
P. O. Box 989
Port Sulphur, LA 70083-0989
(985) 564-2374
POINTE COUPEE
211 E. Main - #103
New Roads, LA 70760-3681
(225) 638-5537
RAPIDES
701 Murray St.
Alexandria, LA 71301-8099
(318) 473-6778
RED RIVER
P. O. Box 432
Coushatta, LA 71019-0432
(318) 932-5027
RICHLAND
P. O. Box 598
Rayville, LA 71269-0368
(318) 728-3582
SABINE
401 Capitol St. - #107
Many, LA 71449-3899
(318) 256-9697
ST. BERNARD
8201 W. Judge Perez - Rm.
104
Chalmette, LA 70043-1696
(504) 278-4231

ST. CHARLES
P. O. Box 15
Hahnville, LA 70057-0315
(985) 783 - 2731
ST. HELENA
P. O. Box 543
Greensburg, LA 70441-0543
(225) 222-3460
ST. JAMES
P. O. Box 179
Convent, LA 70723-0179
(225) 562-2330
ST. JOHN
1801 W. Airline Hwy. - #112
LaPlace, LA 70068-3344
(985) 652-9767
ST. LANDRY
P. O. Box 616
Opelousas, LA 70571-0818
(337) 948-4972
ST. MARTIN
Courthouse
415 S. Main
St. Martinville, LA 70582-
4549
(337) 394-2204
ST. MARY
500 Main St. - #301
Franklin, LA 70538-6144
(337) 828-4100
ST. TAMMANY
701 N. Columbia St.
Covington, LA 70433-2709
(985) 809-5500
TANGIPAHOA
P. O. Box 695
Amite, LA 70422-0695
(985) 748-3215
TENSAS
P. O. Box 193
St. Joseph, LA 71366-0193
(318) 766-3931
TERREBONNE
P. O. Box 6199
Houma, LA 70361-6199
(985) 873-6533

UNION
P. O. Box 235
Farmerville, LA 71241-0235
(318) 368-8660
VERMILION
100 N. State St. - #120 Abbeville, LA
70510
(337) 898-4324
VERNON
P. O. Box 628
Leesville, LA 71496-0628
(337) 239-3990
WASHINGTON
200 Main Street St. - #105
Franklinton, LA 70438-1719 (985) 839-
7850
WEBSTER
P. O. Box 674
Minden, LA 71058-0674
(318) 371-3073
W. BATON ROUGE
P. O. Box 31
Port Allen, LA 70767-0031
(225) 336-2421
W. CARROLL
P. O. Box 71
Oak Grove, LA 71263-0071
(318) 428-2381
W. FELICIANA
P. O. Box 2490
St. Francisville, LA 70775-2490
(225) 635-6161
WINN
Courthouse - Room 105
Winnfield, LA 71483-3238
(318) 628-6133

APPLICANT'S RETURN ADDRESS:

PLACE STAMP HERE

MAIL TO:

REGISTRAR OF VOTERS

OFFICIAL USE ONLY

Address Change

Name Change

Party Change

Remarks

Circle One: PA MV RG SDA SS

Received by:

State of Nevada

Fiscal Year 2007-2008

Amended State Plan

Amended June 2008

As required by Public Law 107-252
***Help America Vote Act of 2002*, Section 253 (b)**

Office of the Nevada Secretary of State
101 N. Carson Street, Suite 3
Carson City, NV 89701
June 25, 2008

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STATE OF NEVADA
FISCAL YEAR 2007-2008
Amended STATE PLAN

I. INTRODUCTION

The State of Nevada was informed by the U.S. Election Assistance Commission (EAC) that The Omnibus Appropriations Act for Fiscal Year 2008 (Public Law 110-161) includes $115 million to help states improve the administration of Federal elections. These funds are known as Requirements Payments (hereinafter "Funds"). The funds will be distributed to each State conditioned upon satisfying certain criteria pursuant to Help America Vote Act of 2002 (HAVA) Section 253(b). These funds are limited to specific uses outlined in Section 253(b) and may not be allocated to activities other than those expressly set forth in the EAC announcement regarding the additional funding.

In order to become eligible for the additional funding, States are required to amend their State Plans. Accordingly, only sections of the State of Nevada Fiscal Year 2007-2008 State Plan dated October 8, 2007 that are related to the necessary criteria for eligibility will be amended and incorporated.

II. THE BACKDROP FOR NEVADA'S STATE PLAN

The Secretary of State is the Chief Officer of Elections for the State of Nevada, and, as such, is responsible for the execution and enforcement of state and federal laws relating to elections.

Nevada remains one of the fastest growing states in the country. Based on figures obtained from Census 2000, Nevada's population increased by 796,424 persons between 1990 and 2000. In 2006, the State's demographer estimated Nevada's population at 2,623,050. Nevada's largest county, Clark County, continues to add approximately 5,000 new citizens per month. Currently, the State has approximately 1.2 million registered voters spread throughout its 17 counties. Moreover, more than 1,500 state, county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

The Secretary of State's Office will continue to work closely with local election officials, advocacy groups, the State Legislature, and local and state law enforcement agencies to protect the integrity of Nevada's election process. This cooperative effort will include establishing various committees, including but not limited to, the State Training Committee, Election Command Center Committee, State Regulatory & Compliance Committee and the State IT Committee. The State will continue to mitigate costs associated with HAVA implementation and compliance and continue to be fiscally responsible in best utilizing the State's remaining funds.

III. NEVADA'S STATE PLAN

A. Use of Requirements Payments

Section 254(a)(1) requires a description of 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. Title III requires the establishment of certain voting system standards, provisional voting, public posting of voting information, a computerized statewide voter registration list, and voter registration application modifications.

1. Voting Systems Standards

Section 301(a) establishes several voting system standards which must be met by January 1, 2006. Under this section, no waiver of the requirements is permitted.

HAVA requires each voting system in the state to: (a) permit voters to verify whom they have voted for and make changes to their vote in a private, secret and independent manner; (b) prevent the voter from over-voting on electronic voting systems and on optical scan ballots provide instruct on how to correct and how to avoid over-voting while marking their ballot; (c) ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot; (d) produce a permanent paper record with manual audit capacity; (e) be accessible for people with disabilities through the use of at least one (1) DRE voting system placed at each polling place; (f) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; (g) comply with error rates established by the Federal Elections Commission (FEC) as of the time HAVA was adopted; and (h) have a definition of what constitutes a vote and what will be counted. These requirements have been incorporated into Nevada statutes or regulations.

A significant amount of federal funding that has been appropriated to date was used to upgrade the voting systems throughout the State and to purchase new systems in order to comply with the above requirements. The State implemented uniform DRE voting systems for polling places throughout the state, with all DRE machines being fitted with the voter verifiable paper trail printers.

To ensure proper training for election administrators and the voting citizens of Nevada, the State has used, and depending on the availability of funds, may use additional requirements payments to educate individuals about the proper use of the voting systems. Requirements payments will be used for maintaining, modifying and improving all voting systems in the State to ensure compliance with HAVA Section 301(a) standards. Additional uses include continued education on the operation and maintenance of voting systems.

2008 Amendment

The State will use the requirements payments to meet the requirements of Title III and to carry out other activities to improve the administration of Federal elections by continuing to explore and develop enhancements to the statewide voting systems, as well as the standards and procedures to ensure Nevada voters have a positive experience with the electoral process. The State will purchase and maintain ADA-compliant voting machines, and will conduct voter education outreach programs in conjunction with various local providers and disability support agencies. Additionally, the State will continue to conduct training sessions for election officials, poll workers and Nevada voters to ensure information related to the voting systems, the standards and procedures is conveyed and understood. To this end, the State will disseminate information using mail and other web-based applications, and will provide local election officials with proper resources to accomplish the same. The State anticipates allocating the sum of $50,000.00 for this endeavor.

2. Provisional Voting and Voting Information Requirements

Section 302 requires the establishment of provisional voting and the posting of voting information at polling places by January 1, 2004. Under this section, no waiver permitted.

HAVA requires provisional voting procedures in all states to ensure that no voter who appears at the polls and desires to vote is turned away for any reason. The State adopted legislation proposed by the Secretary of State that enacts procedures to allow for provisional voting in federal races throughout the State. The procedures[4] that were adopted meet the requirements of Section 302.

The State will continue using requirements payments to maintain the free access system required by HAVA to provide voters who cast provisional ballots the ability to discover whether their ballot was counted. The State also continues to use requirements payments to develop procedures for provisional voting and to plan and conduct training and outreach concerning a voter's ability to receive and cast a provisional ballot. Finally, if adequate federal funding is available, the State may use requirements payments to assist local governments with funding offsets necessary to prepare and process provisional ballots.

Section 302 of HAVA also mandates that a sample ballot and other voting information be posted at polling places on Election Day. The State anticipates using requirements payments to defray the cost of developing, printing and posting this information in the upcoming election cycle.

The State Training Committee will continue to promulgate signage for counties to utilize as well as provide continued assistance in evaluating a county's election signage prior to printing and posting. The Secretary of State will continue to provide guidance and clarification in signage requirements.

2008 Amendment

[4] See Nevada Revised Statutes (NRS) Sections 293.3081 through 293.3086, inclusive.

The State will make enhancements to the provisional voting system by expanding information pertaining to provisional voting by exploring the addition of Internet based information and education. The State will continue providing training for local election officials and poll workers on the provisional voting procedures, the free access system available to voters to determine the status of their cast ballot and other election administration issues. The State anticipates allocating the sum of $40,113.00 for this endeavor.

3. Computerized Statewide Voter Registration List and Requirements for Voters Who Register by Mail

Section 303 requires the establishment of a computerized statewide voter registration list, first time voters who register by mail to provide identification when they cast their ballots, and changes to be made to the voter registration application by January 1, 2004. A waiver is permitted to extend compliance with Section 303(a) to January 1, 2006.

a. Statewide Voter Registration System (SVRS)

Section 303 of HAVA requires that all states establish a statewide computerized registration list of all eligible voters. This "single, uniform, official, centralized, interactive, computerized statewide voter registration list" must be administered at the State level and is considered the official list of legally registered voters in the State.

The Secretary of State's Office has a HAVA compliant statewide voter registration system in place. The Secretary of State's system was implemented prior to the 2006 election cycle and has the ability to interface with Nevada's Department of Motor Vehicles and other appropriate agencies, as required by HAVA. Additionally, this statewide voter registration database allowed all 17 counties to clear thousands of records, including duplicate records.

The State will continue to expend a portion of its requirements payments and Title I payments to fund additional upgrades and maintenance of the statewide voter registration system. Additionally, the Secretary of State will continue to explore options of database interfacing with other agencies which may not currently have electronic databases. Regulations specific to statewide voter registration maintenance procedures were promulgated prior to the 2006 election cycle.

2008 Amendment

The State has successfully implemented NevVoter, the statewide voter registration system, and will continue to monitor its accuracy and effectiveness. This will be accomplished by exploring and developing more efficient and timely methods of verifying statewide voter registration data through State and Federal agency databases. The State anticipates allocating the sum of $100,000.00 to invest in the maintenance of, as well as enhancements to NevVoter.

b. Requirements for Voters Who Register by Mail

With respect to requirements for voters who register by mail, the State revised its voter registration form in May of 2007. These recent revisions include clarifying language for identification requirements as well as providing an opportunity for county election officials to recruit poll workers.

2008 Amendment

The State will expand its efforts to ensure the registration process for mail-in, absentee, and overseas voters is efficient and timely. The State intends to continue its efforts to increase voter participation in these categories by devising and developing statewide procedures for the receipt and processing of mail-in ballots, absentee ballots and ballots returned via facsimile. Additionally, the State will provide a uniform method of disseminating information on absentee voter information to voters inside and outside the State of Nevada. The State anticipates allocating the sum of $50,000.00 for this endeavor.

4. Other Activities to Improve the Administration of Elections (Section 251(b)(2))

a. Improving Voting Accessibility for People with Disabilities

Every polling site in the State was surveyed for Americans with Disabilities Act[5] (ADA) accessibility and various types of equipment were purchased to improve access to needed areas. During FY 2007-2008, the Secretary of State will continue to improve accessibility, apply for additional federal funding to ensure ADA compliance and proper training of poll workers, and continue both voter outreach efforts to the people with disabilities community and statewide training on ADA compliance issues.

b. Develop State IT Committee

The Secretary of State will continue to utilize a statewide IT committee comprised of county and Secretary of State IT representatives and elections staff. This committee is headed by the Secretary of State's Office and works to: 1) address overall security improvements to voting equipment and the statewide voter registration database; 2) develop updates to the statewide voter registration database and accompanying changes to county election management systems; 3) coordinate election night reporting; 4) assist state training committee on preparing technical training materials; and 5) testing for voting machine software and state certification.

The State intends to continue using requirements payments to fund other activities to improve the administration of elections, including, but not limited to: (a) establishing a polling place accessibility program to ensure that all polling places in Nevada are and continue to be in compliance with the ADA; (b) providing necessary assistance to persons with limited proficiency in the English language; (c) engaging in a variety of voter education and outreach activities, including public service announcements, voting machine demonstrations, mass mailings and other related media avenues; (d) providing election official and poll worker training initiatives; (e) establishing poll worker recruitment

[5] Public Law 336 of the 101st Congress, enacted July 26, 1990.

programs; and (f) continuing to develop the Secretary of State's website to offer up-to-date, detailed election information to the public.

The State will also continue using requirements payments to fund staff positions to allow for ongoing operations and maintenance of programs and projects to sustain HAVA compliance. The State will continue to evaluate staffing needs to determine if additional positions are needed to fulfill HAVA requirements.

2008 Amendment

The State intends to develop a centralized election information management system to coordinate communications between local election officials, the Secretary of State and Nevada citizens before, during and after a federal election. This proposed system will include pre- and post- logic and accuracy testing (LAT) information, information on election audits, and the development of detailed standard operating procedures pertaining to the security for the operations, transport, and delivery of elections equipment and supplies. The system will also provide centralized method for local elections officials to exchange information on Election Day to ensure the efficient and timely notification of voting equipment failure, shortages, or other election-related issues. Additionally, the proposed system will provide an improved method of communication between local election officials to expedite corrections in the statewide voter registration list. The State anticipates allocating the sum of $300,000.00 for this endeavor.

B. Distribution of Requirements Payments and Eligibility for Distribution

Section 254(a)(2) of the act requires a description of how the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section 254(a)(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 Section 254(a)(8).

The Office of the Secretary of State will centrally manage activities funded by requirements payments. The Secretary of State will be accountable for all expenditures, funding levels and program controls and outcomes. The Secretary of State, in conjunction with local election officials, will determine the appropriate level of support for local activities.

To the extent that a decision is made to distribute requirements payments to units of local government and other entities for carrying out the activities described in Section 254(a)(1), the criteria to be used for determining eligibility include, but are not limited to: (a) the priority of the project to which the distribution is intended to be applied, as it relates to complying with HAVA; (b) the extent to which the recipient is in compliance with Title III of HAVA and all other state and federal election laws; (c) the recipient must maintain its current level of funding for its elections budget outside of any HAVA funds received; (d) the recipient must cooperate with the State in maintaining the statewide voter registration list and must timely implement list purging activities and reporting as required by the Secretary of State; (e) the need for the payment to ensure continued compliance with state and federal elections laws; (f) the availability to the recipient of other funding sources, including other HAVA related grants; (g) the recipient must acknowledge that it will be required to reimburse the State for all federal funds received if it does not meet the deadlines for compliance in HAVA; and (h) the recipient must develop a comprehensive accounting plan in accordance with federal criteria for separately identifying and tracking any federal funds received. The criteria for receipt of requirements payments will be agreed to in writing in advance by the Secretary of State and the unit or entity receiving the payment.

If requirements payments are so distributed, the Secretary of State will monitor the performance of each activity funded by requirements payments on a case-by-case basis. The methods to be used by the State to monitor the performance of the payment recipients may include, without limitation: (a) requiring the recipient to prepare and submit comprehensive timely reports to the Secretary of State detailing the expenditures and their relation to complying with Title III of HAVA; (b) implementing financial controls that establish financial reporting methods; and (c) developing performance indicators on a case-by-case basis for all activities funded.

2008 Amendment

Nevada manages all HAVA funding on a statewide level, and will continue to allocate HAVA funds for sub-grants to qualifying entities in the State for carrying out activities regarding the administration of Federal elections and voting systems. Due to the relatively small number of counties in Nevada, only seventeen, the administration of Federal elections and voting systems of local governments are coordinated centrally through the Nevada Secretary of State's office.

C. Voter Education, Election Official and Poll Worker Training

Section 254(a)(3) of the Act requires a description of 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.

1. Voter Education

With voter participation and turnout declining nationally over the last twenty years, the Secretary of State's office is making a concerted effort to expand Nevada's voter outreach and education efforts.

Education is the key to improving Nevada's voter participation rate. Further exploration as to reaching various socio-economic groups as well as providing information for those who have had their rights restored or qualify to have their voting rights restored will also be included.

2008 Amendment

The State has augmented its efforts to improve its voter outreach programs and increasing the participation of its college student population by developing a partnership between the Secretary of State's office and the Nevada System of Higher Education. The State continues to explore voter outreach activities. The State will additionally expand information available on the website.

The State intends to develop data collection methods for improving voting system standards and voting information requirements. This includes, but is not limited to, researching and identifying demographic groups that have been disproportionately low in voter turnout rates to capture and report that information. The State has set a goal to meet, or exceed voter turnout rates in these demographic categories.

The State anticipates allocating the sum of $300,000.00 for these activities.

The Secretary of State's office has produced and published several informative brochures designed to educate Nevada's citizens about the voter registration process, the significance of every single vote, and the requirements of HAVA. The agency's website (www.nvsos.gov) contains a wealth of information useful to individuals and groups seeking to advance voter participation and citizen knowledge of the elections process.

The 2003 Legislature moved the Advisory Committee on Participatory Democracy (ACPD) under the auspices of the Secretary of State's office, and established the goals of 75 percent voter registration and 70 percent voter turnout by those registered voters in Nevada by 2008.

In June 2006, the Advisory Committee for Participatory Democracy (ACPD) solicited grant applications to conduct voter education and outreach to the citizens of Nevada. The grant was funded through Section 101 HAVA with minimum funding requests of $15,000 and a maximum of $65,000. The grant was limited to nonprofit, nonpartisan organizations organized for the purpose of voter education and outreach to increase participation in the election process. The Secretary of State, as recommended by the ACPD, awarded grants to four entities totaling $65,824. Each entity was required to enter into a Notice of Subgrant Award with the Secretary of State, Elections Division to ensure HAVA compliance and for reporting purposes.

The Secretary of State and the ACPD will focus on establishing partnerships with the business sector to enhance voter participation and Election Day support, while also building relationships with educational institutions and community organizations to increase youth voter participation.

2. Election Official and Poll Worker Training

The State, in conjunction with all 17 counties, has instituted a training program to provide a more centralized source of training, versus the more localized training programs that have existed in the past. In lieu of the disproportionate range of resources available at the local level across the State, building a centralized source of training has been critical in ensuring all 17 counties have access to all the training necessary to maintain their role in achieving

HAVA compliance. Centralized training in 2006 covered: 1) maintenance of the statewide voter registration list; 2) DRE maintenance, testing, programming and security; 3) provisional voting and provisional phone line reporting; 4) election date signage requirements; 5) requirements under UOCAVA for overseas citizens and the military, including use of FWAB ballots; 6) ADA accessibility training for poll workers and election staff; 7) general improvements for poll worker recruitment, training and management; 8) overall communication; 9) additional federal reporting requirements; 10) conducting mandatory post election VVPAT audit and 11) additional certifications for various federal and state requirements. The State will continue to revise and update the training materials and procedures created in 2006 through the guidance of a State Training Committee. This committee is comprised of two Secretary of State employees and four County Clerks/Registrar of Voters. Training topics will include but are not limited to: 1) restoration of felon voting rights; 2) voter identification requirements; 3) poll watchers; 4) provisional voting; 5) election security; 6) electioneering; and 7) polling place assistance.

In preparation for the 2008 Elections, comprehensive training sessions and materials addressing election issues will be conducted and distributed to all election officials. These sessions will also include independent training sessions tailored to address the various needs of Nevada's election officials.

D. Voting System Guidelines and Processes

Section 254(a)(4) requires a description of how the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

Nevada law mirrors the voting system guidelines and processes set forth in HAVA section 301, as outlined in Section III(A)(1) of this Plan. In addition, the Secretary of State is responsible for certifying voting systems for use in the State. The Secretary of State, in accordance with state law, cannot certify any voting system in the State unless it meets or exceeds the standards for voting systems established by the FEC. The Secretary of State will develop new guidelines and processes as necessary to ensure all voting systems in the State continue to remain in compliance with Section 301.

E. Establishment of Election Fund

Section 254(a)(5) requires a description of how the State will establish a fund described in Section 254(b) for purposes of administering the State's activities under this part, including information on fund management.

(b) Requirements for Election Fund—

(1) Election Fund Described.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) 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.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

The State created a special election fund in the state treasury that provides the Secretary of State with the authority to deposit into this fund all HAVA grants and state matching fund appropriations. This fund is fully compliant with Section 254(b) of HAVA. The Secretary of State works closely with the State's Budget Division and the State Controller's office to implement and enforce all fiscal controls and policies required by both state and federal law.

F. Nevada's Proposed HAVA Budget

Section 254(a)(6) requires a description of the State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-

(A) The costs of the activities required to be carried out to meet the requirements of Title III

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

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

1. Total Funding Received to Date:

Federal Fiscal Year	Federal Appropriations	Nevada's Share	5% Match
Title I Early Payments	$650 million	$5 million	n/a
2003	$833 million	$5.7 million	$304,313
2004	$1.5 billion	$10.3 million	$546,062
2005	$0	$0	$0
2006	$0	$0	$0
2007	$0	$0	$0
Total	$3.02 billion	$21.2 million	$850,375

2008 Amendment

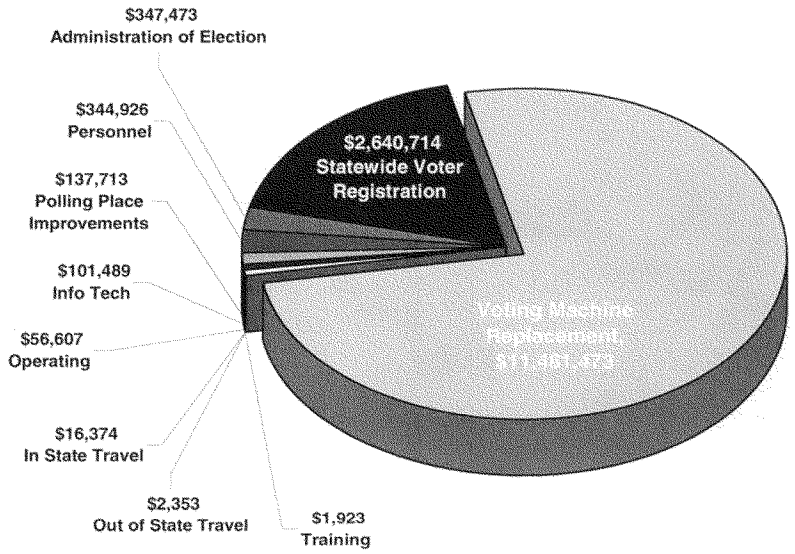
Federal Fiscal Year	*Federal Appropriations*	*Nevada's Share*	*5% Match*
2008	*$115 million*	*$798,107*	*$42,006*
Amended Total	*$3.117 billion*	*$21,998,107*	*$892,381*

The State has also received an additional $500,000, under HAVA Title II, Section 261 for polling place accessibility. The State has been awarded yearly increments of $100,000 over the last five years. The State began drawing these funds for the first time in 2006. These funds will continue to be utilized for voter outreach projects, improved accessibility and poll worker training.

2. Total Funding Expended to Date:

Of the initial HAVA funding received, $15,131,081 has been expended to date to meet the various requirements set forth under HAVA.

Proportionate Breakdown of HAVA Expenditures to Date



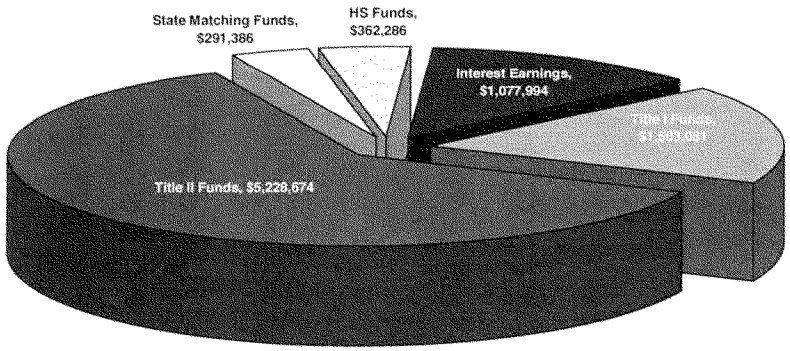
3. Total Funding Remaining to Date:

Budget Account 1051 - HAVA

Funding Received and Remaining as of June 30, 2007

Funding Source	Date Rec'd	Amount Rec'd	Amount Remaining
Title I	05/01/03	$5,000,000	$1,503,081
Title II (Federal FY 03)	08/09/04	$5,785,410	$0
Title II (Federal FY 04)	11/29/04	$10,381,400	$5,228,674
State Match – GF	07/01/04	$299,820	$0
State Match – SS	0805/04	$550,555	$291,386
HHS Funds – FFY 2003		$100,000	$0
HHS Funds – FFY 2004		$100,000	$62,286
HHS Funds – FFY 2005		$100,000	$100,000
HHS Funds – FFY 2006		$100,000	$100,000
HHS Funds – FFY 2007		$100,000	$100,000
FY 04 Interest Earned	06/30/04	$87,430	$87,430
FY 05 Interest Earned	06/30/05	$214,828	$214,828
FY 06 Interest Earned	06/30/06	$371,193	$371,193
FY 07 Interest Earned	06/30/07	$404,543	$404,543
Totals:		**$23,595,179**	**$8,463,422**

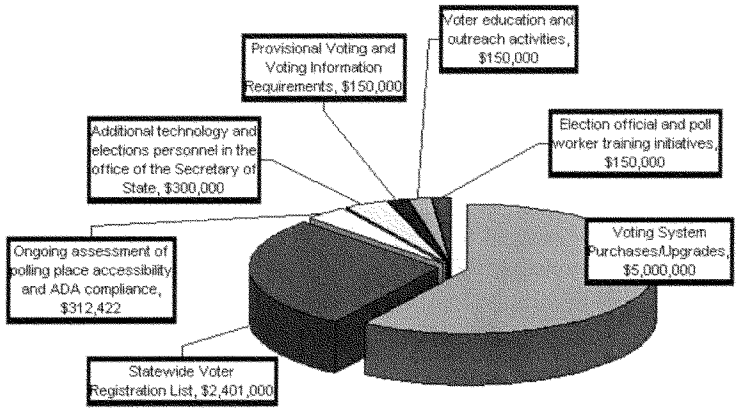
Proportionate Breakdown of Remaining HAVA Funding



4. Allocation of Remaining HAVA Funding For FY 07-08:

The remaining $8,463,422 will be utilized to continue to maintain statewide HAVA compliance. Additionally funding will be set aside to ensure that both the voting systems and the statewide voter registration database can be maintained, updated and adequately supported. As ongoing projects, funding needs have been taken into account post FY 07-08.

Estimated Allocation of Remaining HAVA Funding



a. Voting System Purchases/Upgrades:

--Continue to develop strategies to obtain funding, to update DRE machines and their respective VVPAT mechanism to ensure continued compliance with both federal and state law. Also provide additional touch screen systems fitted with voter verifiable paper audit trail printers as needed prior to the 2008 and 2010 election cycles.

--To be funded with Title I early payments, Title II requirements payments and State matching funds.

--Cost to date: $11,481,473

--Expected costs for FY 07-08: $2,000,000

--Expected costs for FY 08-09: $3,000,000

b. Establishing and Maintaining a Statewide Voter Registration List:

--Approximately, $4 to $5 million was allocated to cover base cost, with estimated ongoing maintenance costs of approximately $100,000 per year.

--The State will maintain between $2-3 million to cover any additional improvements to be made to the internally built statewide voter registration list and any additional maintenance costs which may arise.

--To be funded with Title I early payments, Title II requirements payments and State matching funds.
--Cost to date: $2,640,714
--Expected costs for FY 07-08: $401,000
--Expected costs for FY 08-09: $2,000,000

c. Provisional Voting and Voting Information Requirements:
--$150,000 was initially allocated to create and develop enhancements to the free-access system, provide necessary training and outreach, and develop voting information.
--To be funded with Title II requirements payments and State matching funds.
--Expected costs for FY 07-08: $150,000

d. Ongoing assessment of polling place accessibility and ADA compliance:
--A significant portion of HAVA Title II, Section 261 funds totaling $362,286 will continue to be allocated to improve polling place accessibility. The expenditures will also include training for election officials and poll workers, along with providing information about polling place accessibility to people with disabilities.
--Expected costs for FY 07-08: $312,422

e. Voter education and outreach activities:
-- $150,000.00 in HAVA funding will be allocated to continue with voter education and outreach activities.
--To be funded with Title I requirements payments and State matching funds.
--Expected costs for FY 07-08: $150,000

f. Election official and poll worker training initiatives:
-- $150,000, in HAVA funding will be allocated to continue training election officials and poll workers.
--To be funded with both Title I and Title II requirements payments and State matching funds.
--Expected costs for FY 07-08: $150,000

g. Additional technology and elections personnel in the office of the Secretary of State:
-- $344,926.00 has been expended on elections personnel since the implementation of HAVA in 2002.
-- Additional considerations include creating a HAVA information technology position to help maintain various aspects of HAVA compliance including programming related to voting equipment as well as statewide voter registration maintenance and further development.
--Expected costs for FY 07-08: $300,000

The State's FY 07-08 Plan, as presented herein, is limited to the extent State appropriations are made available, and is based on the assumption that adequate federal funding will be appropriated. While the State intends to fully comply with HAVA, if adequate federal funding is not made available, the manner in which the

funds are disbursed or dedicated and the priorities given to particular projects may be altered from the information contained in this FY 07-08 Plan.

5. Costs and Portions of State's Proposed Budget for 2008 Amended Activities:

Activity	*Funds*	*Title I, II, III Classification*
Improvements for statewide voting systems standards	***$50,000.00***	***III***
Training for local election officials and poll workers on the provisional voting procedures	***$40,113.00***	***III***
Maintenance and enhancements to NevVoter, Nevada's statewide voter registration list	***$100,000.00***	***III***
Expand efforts regarding identification requirements of mail-in, absentee, and overseas voting	***$50,000.00***	***III***
Centralized Election Information Management System and voting information requirements	***$300,000.00***	***III/ Activities to Improve Administration of Federal Elections***
Outreach activities and data collection	***$300,000.00***	***III/ Activities to Improve Administration of Federal Elections***

G. Maintenance of Effort

Section 254(a)(7) requires a description of 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.

Consistent with the maintenance of effort requirement contained in HAVA, in using any requirements payments, the State will maintain expenditures for activities funded by the payment at a level equal to or greater than the level of such expenditures maintained by the State for its fiscal year that ended prior to November 2000. The total expenditures attributable to the Elections Division increased in the State's fiscal years 2001, 2002, 2003, 2004, 2005, 2006 and 2007 and are anticipated to increase in FY 08.

The State Legislature has the authority to approve these funding levels and has been apprised of the maintenance of effort requirements contained in HAVA. At this time, the Secretary of State's total HAVA budget is $8,463,422.00. $5,228,674.00 of this total amount is held in a

Title II reserve fund, 1,503,081.00 is held in a Title I reserve fund, $291,386 consists of state match funds, $362,286 is held in HHS funding and $1,077,994.00 consists of accrued interest. Projected state funded expenses for FY 2007-2008 will still exceed $250,000.

2008 Amendment

Nevada will continue to meet its Maintenance of Effort (MOE) requirement in that HAVA funds, and not State funds, will be used for Title III needs. Currently, the Secretary of State's total HAVA budget, excluding the 2008 requirements payment, is $6,922,855.93. $4,030,436.00 of this total amount is held in Title II reserve fund; $1,756,200.00 of this total amount is held in Title I reserve fund; $174,376.00 consists of the balance remaining in the state match funds; $376,536.48 is held in HHS funding; and $1,388,756.60 consists of accrued interest. Projected state funded expenses ending in FY 2008-2009 will still exceed $250,000.00

H. Performance Goals and Measures

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

The Secretary of State, in collaboration with local election officials, has met all critical performance goals and will continue to institute processes to measure additional progress in relation to these time-specific goals, as well as ongoing performance goals. This process will provide local election officials with structure and continued measurable targets for accomplishment. In addition, each local election official will be required to report the progress in meeting the performance goals and measures to the Secretary of State within 60 days following every general election held in the State.

1. Performance Goals

In developing the FY 07-08 update to the State Plan, the strategies for achieving these HAVA compliant goals in the previous State Plans continue to be applicable: (1) obtain federal funding; (2) implement legislation fostering voter participation and compliance with HAVA; (3) conduct an assessment of the condition of the statewide voter registration process given these standards; (4) suggest changes to voting technology and processes to ensure accurate and reliable elections and voter confidence; and (5) develop and implement follow-through accountability activities and feedback mechanisms for complaints.

The State's primary goal is to achieve election reform and compliance with HAVA through the successful implementation of the programs outlined in the State Plan. In addition, having met HAVA compliance, the State will continue to create additional goals to continue Nevada's leadership role in election reform. Following is a description of the timetable for meeting each element of the Plan and the title of the official responsible for ensuring each such element is met:

Element	State/County Official	Timetable
Voting Systems	**State Elections Deputy County Election Official**	**Accomplished September 2004**
Voter Registration	**State Elections Deputy County Election Official**	**Accomplished in 2006**
Provisional Voting	**State Elections Deputy County Election Official**	**Ongoing**
Additional Personnel	**State Elections Deputy**	**Ongoing (as needed)**
Polling Place Accessibility	**State Elections Deputy County Election Official**	**Ongoing**
Voter Education/Outreach	**State Elections Deputy County Election Official**	**Ongoing**
Poll Worker Training	**State Elections Deputy County Election Official**	**Ongoing**
Complaint Procedures	**Deputy Attorney General**	**Adopted/Ongoing**

2. Performance Measures

The State will use the following criteria to measure performance:

--voter turnout statistics
--functionality of voting systems
--accuracy of the data contained in the statewide voter registration list
--voter satisfaction with equipment (accomplished through surveys or other strategies)
--complaints against poll workers
--complaints received versus complaints resolved
--ADA compliance

These criteria were developed through the State Planning Process. The State is further committed to exploring the use of additional performance measures.

2008 Amendment

Nevada's use of additional requirements payments will enhance current elements of our State Plan, and as such, the performance goals, measurements and timetables already established will continue to be used to measure the performance of the additional funding.

I. State-Based Administrative Complaint Procedure

Section 254(a)(9) requires a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. This state-based administrative complaint procedure must be in effect prior to certification of the State Plan, but no later than January 1, 2004; no waiver of the procedure is permitted.

The Advisory Committee has developed and adopted a procedure for complaints that meets HAVA requirements[6]. The Secretary of State adopted regulations to place these procedures into the State Administrative Code prior to submission of the FY 03-04 State Plan. The Secretary of State will continue to review and update regulatory language on an ongoing basis. The Secretary of State has assembled the State Regulatory Committee which will continually review statutes needing clarification and develop regulatory language as needed.

In summary, the procedure provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is anticipated to occur. Any person who believes a violation of any provision of Title II has occurred may file a complaint with the Secretary of State. The complaint must be written, signed, sworn to and notarized. At the request of the complainant, the Secretary of State will conduct a hearing on the record that will be conducted in accordance with HAVA requirements. The Secretary of State will provide the appropriate remedy and will provide a final determination within the timeframes specified in HAVA. The procedure provides for alternative dispute resolution if the Secretary of State does not make a timely final determination. Finally, the procedure requires the Secretary of State to make reasonable accommodations to assist persons in need of special assistance for utilizing the complaint procedure.

The Secretary of State's Office has also established a statewide Election Command Center Committee which will further modify and improve various aspects of the complaint procedures to ensure the process remains a uniform and nondiscriminatory state-based administrative process. In addition to coordinating with local law enforcement agencies, the Secretary of State's Office will work closely with local district attorneys and the State's Attorney General to ensure complaints are handled proficiently and swiftly. The Secretary of State will deploy investigators from another division of the office to assist local and state agencies investigative staff and the Elections Division during voting periods to investigate complaints as they are recorded by the Secretary of State's Election Fraud and Complaint Hotline. This committee will be a concerted effort and will work closely with the State Training Committee as well on complaint procedures.

J. Effect of Title I Payments

[6] See Appendix A for copy of Administrative Complaint Procedure.

If the State received payment under Title I, Section 254(a)(10) requires a description of how such payment will affect the activities proposed by the State to be carried out under the plan, including the amount of funds available for such activities.

On April 30, 2003, the State received $5 million in Title I payments. The State has expended a portion of these funds for the voting system upgrades described in this State Plan. In addition, the State has expended these funds for ancillary devices, equipment and services associated with the voting systems contract and for travel and training activities necessary for implementing the new voting systems and the statewide voter registration system. Section 6 of this Plan specifically sets forth the State's intended additional uses for these funds.

2008 Amendment

Nevada has approximately $1,756,200.00 of this total amount held in Title I reserve fund. These funds will not affect the new activities proposed to be carried out under the 2008 requirements plan.

K. Ongoing Management of the State Plan

Section 254(a)(11) requires a description of 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).

The State intends to use the State Plan as the foundation for its goals in achieving election reform and compliance with HAVA. To achieve these goals, the Secretary of State has appointed an internal committee in his office to be overseen by the Deputy Secretary for Elections. This committee is responsible for conducting ongoing management of the State Plan. To carry out this function, the committee is required to hold meetings as deemed necessary to address HAVA related issues and keep current on the State's progress toward implementation of HAVA. The Deputy Secretary for Elections, or a designee, is to report to the State Advisory Committee the activities involved with the ongoing management of the Plan. The Secretary of State will continue to hold an annual meeting of the State Advisory Committee to review and update the State Plan, as necessary. The Secretary of State may also convene the State Advisory Committee at other times during the year as deemed advisable.

2008 Amendment

Nevada's ongoing management of the plan will not change. Oversight of the State Plan will remain a function of the State Advisory Committee, the Deputy of Elections, and the Secretary of State.

L. Changes to the State Plan from the Previous Fiscal Year

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, Section 254(a)(12) requires 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.

This FY 2007-08 State Plan incorporates the same basic theme as the previous plans, and generally reports on the procedures implemented by the State in carrying out the previous plan, such as upgrades to voting systems throughout the State and specific voter education and outreach efforts undertaken by the State.

This current FY 07-08 State Plan updates the status of State performance goals and the various HAVA compliant projects, such as statewide voter registration. Also provided is a general update of achievements in the areas of training, accessibility, statewide voter registration, voter machine upkeep and maintenance, and outreach. This current plan further takes into consideration the Title II, Section 261 funds which had not been drawn prior to 2006.

2008 Amendment

The amended State Plan reflects changes from the previous State Plan by increasing spending estimations for: improvements to statewide voting systems; training for local election officials and poll workers on the provisional voting procedures; maintenance and enhancements to NevVoter; expand efforts regarding mail-in, absentee, and overseas voting; centralized Election Information Management System; and outreach activities and data collection. . Additionally, the State Advisory Committee voted to change language in Section III.A.1 pertaining to voting system standards relating to over-voting. The State has succeeded in carrying out the previous State Plan by continuing to meet performance goals, HAVA compliance in expenditure of HAVA funds, and a 11.4% increase in registered voters from June 2007 to June 2008

M. Committee Description and Development of State Plan

Section 254(a)(13) requires a description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The State's Advisory Committee consists of fifteen (15) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders[7]. The Secretary of State selected the committee membership and either he or his Chief Deputy acted as Chairperson for each meeting held.

[7] See Appendix B for Advisory Committee biographies and party affiliations.

Members of the State Advisory Committee and their qualifications are as follows:

Ross Miller, Secretary of State
Nicole Lamboley, Chief Deputy Secretary of State
Nhu Nghuyen, Senior Deputy Attorney General
Thomas Allman, Rights Advocate/Project Coordinator, Nevada Disability Advocacy & Law
LaVonne Brooks, Executive Director, High Sierra Industries
Dan Burk, Washoe County Registrar of Voters
Heidi Gansert, Assemblywoman, Washoe District 25
Jan Gilbert, N. NV Coordinator, Progressive Leadership Alliance of NV (PLAN)
Barbara Griffin, Douglas County Clerk
Joshua J. Hicks, Legal Counsel to Governor (Appointee of Governor Jim Gibbons)
Ruben Kihuen, State Assemblyman, District 11
Jennifer Lazovich, Esq., Kummer, Kaempfer Bonner Renshaw
Larry Lomax, Clark County Registrar of Voters
Richard Siegel, President, American Civil Liberties Union of Nevada
Monica Martinez Simmons, Henderson City Clerk

Advisory Committee Staff in the Office of the Secretary of State and their qualifications are as follows:

Matthew M. Griffin, Deputy Secretary of State for Elections
Ryan High, State HAVA Coordinator
Kimberly Carrubba, State Advisory Committee Secretary

In developing the State of Nevada Fiscal Year 2007-2008 Amended State Plan, the State Advisory Committee convened on Wednesday, June 25, 2008. The Committee meeting was publicly held and noticed in accordance with Nevada's Open Meeting Law. The State of Nevada Fiscal Year 2007-2008 Amended State Plan will be made available for public inspection and comment for a 30-day period prior to submission to the Election Assistance Commission (EAC). The Secretary of State will publish the adopted Plan and notice of the comment period will commence on or about June 30, 2008 and will be made available for public inspection on the Secretary of State's website and at satellite offices, the Nevada State Library, at all main county libraries, all city and county clerks' offices, and at various other public agencies throughout the State.

2008 Amendment

The amended State Plan reflects changes from the previous State Plan in the members of the State Advisory Committee staff, including the Deputy Attorney General, the State HAVA Coordinator, and the State Advisory Committee Secretary.

APPENDIX A

Administrative Complaint Procedure
NAC 293.500 – 293.560, inclusive

COMPLAINTS ALLEGING VIOLATION OF TITLE III OF HELP AMERICA VOTE ACT OF 2002

NAC 293.500 Definitions. (NRS 293.124, 293.4685) As used in NAC 293.500 to 293.560, inclusive, unless the context otherwise requires, the words and terms defined in NAC 293.505 and 293.510 have the meanings ascribed to them in those sections.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.505 "Complainant" defined. (NRS 293.124, 293.4685) "Complainant" means a person who files a complaint with the Secretary of State pursuant to NAC 293.515.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.510 "Respondent" defined. (NRS 293.124, 293.4685) "Respondent" means a state or local election official against whom a complaint is filed pursuant to NAC 293.515.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.515 Filing; form; delivery of copy to respondents. (NRS 293.124, 293.4685)
1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State.
2. A complaint filed pursuant to subsection 1 must:
(a) Be in writing, notarized and signed and sworn by the complainant. If the Secretary of State prescribes a form for the complaint, the complaint must be filed on that form.
(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 42 U.S.C. §§ 15481 to 15502, inclusive.
(c) Be filed in the Office of the Secretary of State in Carson City:
(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur; or
(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur,
➥ whichever is later.
3. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint is filed.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.520 Review; dismissal and refiling. (NRS 293.124, 293.4685)
1. The Secretary of State or his designee will review each complaint filed pursuant to NAC 293.515 to determine whether the complaint:
(a) States a violation of 42 U.S.C. §§ 15481 to 15502, inclusive; and
(b) Complies with the requirements of NAC 293.515.
2. If a complaint fails to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, or does not comply with the requirements of NAC 293.515, the complaint will be dismissed without further action and notice of the dismissal will be provided to the complainant.
3. Except as otherwise provided in subsection 4, a complainant whose complaint has been dismissed pursuant to this section may refile the complaint within the time set forth in paragraph (c) of subsection 2 of NAC 293.515.
4. A complainant whose complaint has been dismissed for failure to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, may refile the complaint only one time.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.525 Consolidation; official record. (NRS 293.124, 293.4685)
1. The Secretary of State may consolidate complaints filed pursuant to NAC 293.515 if the complaints relate to the same action or event or raise a common question of law or fact. The Secretary of State will notify all interested parties if two or more complaints have been consolidated.
2. The Secretary of State will compile and maintain an official record in connection with each complaint filed pursuant to NAC 293.515.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.530 Hearing: Request; date; notice; nature. (NRS 293.124, 293.4685)
1. A complainant may request in a complaint filed pursuant to NAC 293.515 that the Secretary of State hold a hearing on the complaint.
2. If a complainant requests a hearing in accordance with subsection 1, the Secretary of State or his designee will conduct a hearing on the complaint, unless the complaint is dismissed pursuant to NAC 293.520. The hearing will be held not sooner than 10 days but not later than 30 days after a request for a hearing has been made in accordance with subsection 1.
3. The Secretary of State will provide notice of the date, time and place of the hearing at least 10 business days before the hearing:
(a) By mailing a copy of the notice to the complainant, each respondent and any interested person who has requested in writing to be advised of the hearing;
(b) By posting a copy of the notice in a prominent place at the Office of the Secretary of State that is available to the general public; and
(c) By posting a copy of the notice on the website of the Secretary of State.
4. A hearing held pursuant to this section is not a contested case for the purposes of chapter 233B of NRS.
(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.535 Hearing: Hearing officer; procedure. (NRS 293.124, 293.4685)
1. Except as otherwise provided in this subsection, the Secretary of State or his designee will act as the hearing officer for a hearing held pursuant to NAC 293.530. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint a designee who is an independent professionally qualified person to act as the hearing officer.

2. The complainant, any respondent and any interested member of the public may appear at the hearing, in person or by teleconference, and testify or present relevant evidence in connection with the complaint. All testimony to be considered in the hearing will be taken under oath. The hearing officer may limit the testimony of witnesses, if necessary, to ensure that all interested persons may present their views. The hearing officer may recess the hearing and reconvene the hearing at a later date, time and place, which must be announced publicly at the hearing.

3. A complainant, respondent or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

4. Cross-examination at the hearing will be permitted only at the discretion of the hearing officer, but a person may testify or present evidence at the hearing to contradict any other testimony or evidence presented at the hearing. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence presented subsequently, that person is entitled to be heard again only at the discretion of the hearing officer, who may authorize the person to provide an oral or written response, or both.

5. The hearing will be recorded on audiotape by and at the expense of the Office of the Secretary of State. The recording will not be transcribed, but the Secretary of State, a local board of elections or any party to the hearing may obtain a transcript of the hearing at its own expense. If a board or party obtains a transcript of a hearing, the board or party shall file a copy of the transcript as part of the record and any other interested party may examine the copy of the transcript on record.

6. Any party to the proceeding may file a written brief or memorandum with the hearing officer not later than 5 business days after the conclusion of the hearing. The party shall serve a copy of any such written brief or memorandum on all other parties not later than the time the written brief or memorandum is filed with the hearing officer. No responsive or reply memorandum to such a brief or memorandum will be accepted without the specific authorization of the hearing officer.

7. At the conclusion of the hearing and after any brief or memorandum has been filed pursuant to subsection 6, the hearing officer will determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.540 Review and determination when no hearing requested. (NRS 293.124, 293.4685) If a complainant has not requested a hearing on a complaint filed pursuant to NAC 293.515, the Secretary of State or his designee will review the complaint and any accompanying record and determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint an independent professionally qualified person to act as his designee pursuant to this section.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.545 Remedial action or dismissal; issuance of final determination. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur, the Secretary of State or his designee will provide the appropriate remedy, including, without limitation, an order to a respondent commanding the respondent to take specified action or prohibiting the respondent from taking specified action, with respect to a past or future election. Such a remedy will not include an award of money damages or attorney's fees.

2. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has not occurred, is not occurring or is not about to occur, the Secretary of State or his designee will dismiss the complaint.

3. The Secretary of State or his designee will issue a final determination on a complaint made pursuant to subsection 1 or 2 in writing. The final determination will include an explanation of the reasons for the determination and, if applicable, the remedy selected.

4. Except as otherwise provided in NAC 293.550, a final determination of the Secretary of State or his designee on a complaint will be issued within 90 days after the complaint is filed, unless the complainant consents in writing to an extension. The final determination will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.550 Proceedings for alternative dispute resolution. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee does not render a final determination on a complaint filed pursuant to NAC 293.515 within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State will, on or before the fifth business day after the final determination was due to be issued, initiate proceedings for alternative dispute resolution by:

(a) Retaining an independent, professionally qualified person to act as an arbitrator, if the complainant consents in writing to his appointment as the arbitrator at the time of his appointment; or

(b) Designating in writing to the complainant the name of an arbitrator to serve on an arbitration panel to resolve the complaint. If proceedings for alternative dispute resolution are initiated pursuant to this paragraph, not later than 3 business days after the complainant receives such a designation from the Secretary of State, the complainant shall designate in writing to the Secretary of State the name of a second arbitrator. Not later than 3 business days after such a designation by the complainant, the two arbitrators so designated shall select a third arbitrator to complete the panel.

2. The arbitrator or arbitration panel may review the record compiled in connection with the complaint, including, without limitation, the audio recording of the hearing, any transcript of the hearing and any briefs or memoranda submitted by the parties but shall not receive any

additional testimony or evidence unless the arbitrator or arbitration panel requests that the parties present additional briefs or memoranda.

3. The arbitrator, or arbitration panel by a majority vote, shall determine the appropriate resolution of the complaint.

4. The arbitrator or arbitration panel shall issue a written resolution of the complaint not later than 60 days after the final determination of the Secretary of State was due pursuant to NAC 293.545. This period for issuing a written resolution will not be extended.

5. The final resolution of the arbitrator or arbitration panel will be:

(a) Mailed to the complainant, each respondent and any other person who requested in writing to be advised of the final resolution;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.555 Final determination or resolution not subject to appeal. (NRS 293.124, 293.4685) A final determination of the Secretary of State or his designee pursuant to NAC 293.535, 293.540 or 293.545 or the final resolution of an arbitrator or arbitration panel pursuant to NAC 293.550 is not subject to appeal in any state or federal court.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.560 Assistance in using procedures. (NRS 293.124, 293.4685) The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in NAC 293.500 to 293.560, inclusive.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

APPENDIX B

Advisory Committee Biographies and Affiliations

2008 Amendment

The amended State Plan reflects changes from the previous State Plan to include the biography of the new Deputy Attorney General.

Name	*Title – Organization*	*Biography*
Ross Miller	**Secretary of State**	**Ross Miller was sworn into office on January 1st 2007. Mr. Miller is a third-generation Nevadan who previously served as a Deputy District Attorney in Clark County, Nevada. He holds a dual degree, in law (J.D.) and a Masters in Business Administration (M.B.A.), from Loyola Marymount University, in Los Angeles, and completed his undergraduate studies at Stanford University in California, earning a Bachelor of Arts major in English, with minors in Psychology and Political Science. While at Stanford, Mr. Miller served as a White House Intern, where he worked under then-Cabinet Liaison Thurgood Marshall, Jr.**
Nicole Lamboley	**Chief Deputy Secretary of State**	**Nicole Lamboley, Chief Deputy Secretary of State, was appointed by Secretary Ross Miller in January 2007. Ms. Lamboley has spent the past 18 years working in different capacities in the area of public and government affairs, about half of which have been spent working in the public sector. Prior to joining Secretary Miller's administration, she served as campaign manager for Attorney General Catherine Cortez Masto. Before that, Ms. Lamboley served as Legislative Affairs Manager for the City of Reno and was in charge of the city's state, federal and intergovernmental lobbying efforts. Her career also includes positions as Senior Regional Manager for the National Association of Manufacturers, Deputy Chief of Staff to former Nevada Governor Bob Miller, and Production Manager for the Harriman Communications' Center. Ms. Lamboley received her Bachelors degree from the University of Notre Dame and her Masters degree in Public Policy from Georgetown University.**

Name	Title—Organization	Biography
Thomas Allman	Rights Advocate/Projects Coordinator, NDALC	Thomas Allman has been with Nevada Disability Advocacy & Law Center (NDALC) in Las Vegas as a Rights Advocate/Projects Coordinator for 4½ years where he has been the Help America Vote Act (HAVA) Coordinator. As NDALC's HAVA Coordinator, his agency's priority has been to assure full access to the electoral process so that people with disabilities can register to vote and vote with complete independence and privacy. Mr. Allman's duties include conducting voting rights outreach meetings to disability organizations, monitoring through site visits ADA compliance for polling places and providing monitoring and technical assistance of both State and County Election Departments to assure they are in compliance with HAVA sections as they relate to people with disabilities. His other agency duties involve coordinating the annual staff training and resolving many ADA compliance issues regarding access to private and government buildings. He has over 18 years working with people with disabilities including his over 7 years as Director of the Corrections Office for the Massachusetts Rehabilitation Commission in Boston. Both his Doctorate in Rehabilitation and Masters in Education in Counseling Psychology are from Boston College, while his J.D. is from Thomas Jefferson School of Law in San Diego.
LaVonne Brooks	Executive Director, High Sierra Industries (HSI) "	Bachelor and Master in Organizational Management and Development. First Hispanic Female appointed to serve as a City of Reno Planning Commissioner and appointed to serve as Vice Chair on the Governor's Task Force for Provider Rates in 2001 & 2002. Prior to joining HSI, LaVonne worked for an international consulting firm for 2 years and spent 14 years with a computer manufacturing company. She then owned her own training & development company specializing in improving performance through computer upgrades.
Dan Burk	Registrar of Voters, Washoe County	B.A. in Public Administration, U of North Texas (1970). M.A. in History, U of Northern Colorado (1977). Worked over 20 years in all aspects of election procedures in Oregon, from Director of Records and Elections, Liaison Officer in the Archive Division to membership on the committee for the implementation of the ADA (American Disabilities Act) regarding Oregon's standards for handicapped access to polling locations.

Name	Title—Organization	Biography
Heidi Gansert	Assemblywoman, Washoe Dist. 25	LEGISLATIVE SERVICE: Nevada Assembly, 2004-2007 (first elected November 2004) - two special and two regular sessions. Assistant Minority Leader, 2007; Minority Whip, 2005, 2007 Session: Member: Assembly Committee on Commerce and Labor; Elections, Procedures, Ethics, and Constitutional Amendments; and Ways and Means. AFFILIATIONS: Advisory Board Member, Angel Kiss Foundation; Advisory Committee Member, Nevada Organ and Tissue Donor Taskforce; Republican Women of Reno; Reno Area Triathletes. PERSONAL AND PROFESSIONAL ACHIEVEMENTS: Freshman Legislator of the Year, The Las Vegas Review Journal, 2004; Freshman Legislator of the Year, Peace Officers Research Association of Nevada; President, Legislative Leadership Academy, The Council of State Governments-WEST; Past Treasurer, College of Business Alumni Association, University of Nevada, Reno; Past President, Casa de Vida Auxiliary; Past Treasurer, Alliance to the Washoe County Medical Society.
Jan Gilbert	Northern Nevada Coordinator, PLAN	B.A. Economics from UCLA. She co-founded the Progressive Leadership Alliance of Nevada (PLAN). Prior to working on economic and environmental justice issues at the state legislature for 24 years, she began advocacy work for the League of Women Voters. She has received several Humanitarian Awards including the Women's role Model Award from the Attorney General and the Hannah Humanitarian Award from the Committee to Aid Abused Women. She also served on the Department of Human Resources Block Grant Commission for 7 years and was Chairman for two of those years.
Barbara Griffin	County Clerk, Douglas County	Barbara was first elected Clerk-Treasurer in 1986 but has worked in the Douglas County Clerk-Treasurer's office since November of 1973. Her key interest and commitment is the election process and the advancements currently being taken to allow voters easy accessibility to vote.

Name	*Title – Organization*	*Biography*
Joshua Hicks	**General Counsel to the Governor**	**Joshua Hicks joined the Governor's office as General Counsel in January 2007. He previously served as a Senior Deputy Attorney General in the Nevada Department of Justice, representing the Secretary of State, the Nevada Tax Commission and the Nevada Department of Taxation. While at the Nevada Department of Justice, Josh argued cases in front of various Nevada District Courts, the Nevada Supreme Court, the United States District Court for the District of Nevada, the United States Bankruptcy Court for the District of Nevada, and the United States Court of Appeals for the Ninth Circuit. He was the lead attorney on eight published cases. Josh has also served as a law clerk to both the Nevada Supreme Court and the United States District Court for the District of Nevada. He received his Bachelor of Arts degree from Santa Clara University in 1995 and his Juris Doctorate from Santa Clara University in 1998. He has been a licensed attorney in Nevada since 1998. Hicks' wide ranging areas of practice include administrative and regulatory law, election law, state tax law, bill drafting, state personnel law, open meeting law, constitutional law, and public contracts. Josh lives in Reno and is a third-generation native Nevadan. He is married to KC Hicks, who works as a registered nurse in the oncology department at Renown Health.**

Name	*Title – Organization*	*Biography*
Ruben Kihuen	**Assemblyman, Clark District 11**	**Born: 1980 – Guadalajara, Jalisco, Mexico; Educated: Rancho High School, Diploma; University of Nevada, Las Vegas, B.S., Education; University of Oklahoma, Masters in Public Administration (completing). Hobbies/Special Interests: Reading, traveling, motivating youth, soccer, weight lifting and exercising, movies. LEGISLATIVE SERVICE: Nevada Assembly, 2007 (first elected November 2006). AFFILIATIONS: Board of Directors, Volunteer Center of Southern Nevada; Member, Clark County Community Development Advisory Committee; Member, North Las Vegas Citizens Advisory Committee; Volunteer, Professionals and Youth Building a Commitment (PAYBAC); Member, Latin Chamber of Commerce; Member, Nevada Hispanic Democratic Caucus; Member, National Association of Latino Elected and Appointed Officials. PERSONAL AND PROFESSIONAL ACHIEVEMENTS: Former Regional Representative to United States Senator Harry Reid; named DASHPAC National Young Leader, 2004; represented Nevada at the Next Generation Democratic Leaders Conference hosted by Senator Hillary Rodham Clinton, 2004; John F. Kennedy Award, Nevada State Democratic Party, 2006; Mexican Legend Award, Julio Cesar Chavez Educational Foundation, 2006; Community Activist of the Year, Familias Unidas de Nevada, 2005–2006; Outstanding Community Activist, City of Las Vegas, 2006; Grand Marshall, Hispanic Day Parade, 2006; Nevada High Schools Soccer Player of the Year, 1997-1998; worked as Field Organizer for the Democratic National Committee for political campaigns in Virginia, Texas, and Florida.**

Name	*Title – Organization*	*Biography*
Jennifer Lazovich	Attorney, Kummer Kaempfer Bonner Renshaw & Ferrario	Jennifer Lazovich has been with the Firm since November 2001. She is a member of the Firm's Government Affairs department, and has been practicing in the areas of zoning, land use planning, and government affairs since 1998. Ms. Lazovich holds extensive experience in public affairs and government service. She worked in Washington, D.C. in the Finance Division of the National Republican Senatorial Committee. She also served internships in the Washington, D.C. office of United States Senator Harry Reid, and the Elections Division of the Nevada Secretary of State's Office. Ms. Lazovich was admitted to the Nevada Bar in 1998. She is a member of the American Bar Association, the State Bar of Nevada, and the Clark County Bar Association. She has spoken at the Lied Institute for Real Estate Studies and is a graduate of the Leadership Las Vegas program through the Las Vegas Chamber of Commerce, a member of the North Las Vegas Chamber of Commerce and a member of the North Las Vegas 2025 Visioning Committee. She has presented and published articles on issues covering zoning, land use planning, and the Southern Nevada Public Lands Management Act of 1998.
Harvard "Larry" Lomax	Registrar of Voters, Clark County	B.A. in English Literature, Stanford University (1967) and Master of Business Administration from University of North Dakota (1977). He was a Distinguished Graduate from the Air Force's Officer Training School and as a pilot flew over 4,000 hours in a 30 year career. He served on the Joint Staff in Washington D.C. and had the opportunity to work with legislators and staff members on a wide range of issues. He began his career as Assistant Registrar for Registrations in January of 1998 overseeing the training of 7,000 election board officers, processing of petitions, and election night logistics and was appointed Registrar of Voters with full responsibility for the County's Election Department in March of 1999.

Name	*Title – Organization*	*Biography*
Nhu Nguyen	Deputy Attorney General	Ms. Nguyen received her undergraduate degree from the University of California, Davis, and her law degree from the McGeorge School of Law. After graduating from law school, Ms. Nguyen was law clerk to the Honorable Judges Merlyn Hoyt and Dan Papez. Following her clerkships, Ms. Nguyen was a Staff Attorney at the Nevada Supreme Court. Ms. Nguyen is currently a Deputy Attorney General with the Nevada Attorney General's office in Carson City, NV.
Richard Siegel, Ph.D.	President, ACLU of Nevada"	Richard Siegel, Ph.D. is Professor Emeritus of Political Science at the University of Nevada Reno, President of the American Civil Liberties Union of Nevada and Chairperson of the Nevada Committee on Foreign Relations. He served on the Board of Directors of the National ACLU from 1975 to 1988. A former consultant for the United Nations in the area of human rights, he continues to teach human rights and world politics.
Monica M. Simmons	City Clerk, City of Henderson	Monica was appointed City Clerk in 1998 by the City Council following 20 years of service in the City Attorney's Office. During her 28-year tenure at the City, she has experienced unprecedented growth (from 23,567 to a current population of 265,000.) Monica serves on the Board of Directors for the international organization of Municipal Clerks and Administrators, representing 15 countries and a membership of 10,000. She was elected president of the Nevada Municipal Clerks' Association in 1994, and she is an active member with the League of Women Voters, Nevada Women's History Project, and the American Bar Association. Monica partnered with the University of Nevada/Reno to establish the first Nevada Municipal and County Clerks' accredited educational institute. At the request of the U.S. Department of State, she pursued the implementation of a full-service U.S. Passport Application Program in 2003. Monica continues her commitment to strengthening community relations through effective outreach programs, including Henderson's nationally recognized "Local Youth Vote" campaign and the recent implementation of "Vote Centers" during Henderson's Municipal Elections.

APPENDIX C

Agenda for June 25, 2008 Advisory Committee Meeting

NEVADA STATE ADVISORY COMMITTEE

AGENDA

Meeting: **Wednesday, June 25, 2008**
9:00 a.m.

Room 105	Suite 1400
Blasdel Building	Grant Sawyer Building
209 E. Musser St.	555 East Washington Street
Carson City, Nevada	Las Vegas, Nevada

I. Introduction and Welcome

II. Roll Call

III. Amend State Plan to satisfy eligibility criteria for additional requirement payments*

IV. Comments of Committee Members

V. Public Comment

VI. Adjournment*

* Denotes items on which action may be taken

Notice of this meeting has been posted at the following locations:

Offices of the 17 County Clerks/Registrar of Voters
The Capitol Building, 101 N. Carson St., Carson City, Nevada
Secretary of State – Reno Office, 1755 East Plumb Ln., Ste. 231, Reno, NV 89502
Grant Sawyer State Office Building, 555 East Washington St., Las Vegas, Nevada
Nevada State Legislature, 401 S. Carson St., Carson City, Nevada
Nevada State Library and Archives, 100 N. Stewart St., Carson City, Nevada

Notice of this meeting was posted on the following website:
http://www.nvsos.gov

Posted: June 13, 2008

We are pleased to make accommodations for people with disabilities who wish to attend this meeting. Please notify the Elections Division at the Secretary of State's office by calling (775) 684-5705.

APPENDIX E

Temporary Statewide Voter Registration Maintenance Regulations
Effective 5/9/07 – 11/1/07

TEMPORARY REGULATIONS OF

THE SECRETARY OF STATE

LCB File No. _____

Effective: May 9, 2007

EXPLANATION – These regulations pertain to the statewide voter registration list required by NRS 293.675 and 42 U.S.C. 15483. Specifically, these regulations set out the procedures by which the statewide voter registration list is maintained and utilized.

EXPLANATION – Matter in italics is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: NRS 293.124; 293.675.

A REGULATION relating to elections and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this regulation.

Sec. 2. Purpose.

1. The purpose of these temporary regulations is to codify standards and procedures for the processing, transmittal, and maintenance of voter registration records in a manner that conforms with the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483) and NRS 293.675.

2. These regulations apply to the Secretary of State and all elections officials within the State of Nevada responsible for the processing, transmittal, and maintenance of voter registration records in this state.

Sec. 3. Statewide Voter Registration Database.

1. The statewide voter registration list will be maintained in a single, official, uniform, centralized and interactive computerized database administered and maintained by the Secretary of State. The database shall be known as "NevVoter."

2. NevVoter will contain the official and exclusive voter registration list to be used for the conduct of all state and federal elections in Nevada. NevVoter shall contain the name and pertinent registration information of every registered voter in Nevada.

3. Registration information held solely in a county or local database is not considered part of NevVoter unless and until that information is electronically submitted to NevVoter as prescribed by regulation.

4. Registration information maintained in NevVoter will be deemed official for a particular business day as of 9:00 a.m. each business morning. Mechanical and processing errors in the nightly electronic submitting process to NevVoter may affect the official status of registration information maintained in NevVoter for that particular business day.

5. Each county or local election official must maintain interactive and compatible software and protocols that allow a daily transfer of required registration information from County Election Management Systems to NevVoter.

Sec. 4. Definitions.

As used in this Chapter, the following words have the following definitions:
1. "Eligible voter" means any registered voter that is legally entitled to vote.

2. "Business day" means any calendar day except Saturday and Sunday or a legal holiday pursuant to Nevada law.

3. "Canceled" means the status of a voter whose registration has been canceled pursuant to law and is therefore ineligible to vote, including but not limited to convicted felons who have not had their civil rights restored and persons who have been adjudicated mentally incompetent. A voter on canceled status is deemed not registered to vote.

4. "Critical Eligibility Criteria" means voter information that, if missing, renders a person ineligible to vote. Such information includes: name; residence address; date of birth, signature; Nevada driver's license number, last four digits of social security number, unique identification number or indication that person has signed the affidavit prescribed by NRS 293.507(5).

5. "County Elections Management System" means any computerized application and database that manages voter registration and related election functions for a county, other than NevVoter.

6. "County Elections Official" means a county clerk or registrar of voters who is responsible for collecting, maintaining and processing voter registration data within a jurisdiction in the State of Nevada.

7. "Data Exchange Standards" means the document prepared by the Secretary of State that sets forth the technical rules and requirements of NevVoter.

8. "Deficient registration record" means those records submitted to NevVoter that do not meet the NevVoter data exchange standards set forth in the "Data Exchange Standards Document".

9. "Federal election" means any general, special, primary, or runoff election for any Federal office (President, Vice President, U.S. Senator or U.S. Representative), including presidential preference primaries.

10. "Full load file" means an electronic data file containing all county voter registration records. Such a file must adhere to the format standards and requirements set forth in the "Data Exchange Standards Document".

11. "Inactive voter" means a voter whose mail is returned from the address at which he registered to vote and has not provided a County Elections Official with a new residence address. Inactive voters retain the legal right to vote, but need not be mailed election material.

12. "List maintenance notices" mean any notices mailed to a registered voter for the purpose of verifying registration information about a voter and to determine a voter's ongoing eligibility to vote.

13. "Nevada driver's license" means a voter's Nevada driver's license or state identification number that has been issued by the Nevada Department of Motor Vehicles.

14. "NevValidator" means the computer interface by which an election official can compare a Nevada driver's license number or social security number on a voter's registration record with the voter's Nevada driver's license number or social security number recorded with the Nevada Department of Motor Vehicles and the Social Security Administration.

15. "NevVoter Procedures Manual" means the most recent version of the procedures manual prepared by the Secretary of State for use by County Election Officials in the administration of NevVoter.

16. "Official Identification" means the forms of proof of residency and identity required by NRS 293.517.

17. "P-17" means the status for a voter who was under age 18 at the time his voter registration was submitted, but who will be age 18 or older by election day and who has met all other legal requirements to vote.

18. "Pending" means the status for a voter who has submitted a voter registration application that is missing certain information or has incorrect required information and includes:

(a) "Active Pending" means a voter with certain registration information that needs to be confirmed but who has otherwise provided all critical eligibility criteria, or a voter who is required to provide some type of identification before voting but who is otherwise is still eligible to vote; and

(b) "Fatal Pending" means a voter who is missing critical eligibility criteria and who is ineligible to vote until the missing information is submitted to the appropriate County Elections Official.

19. "Registration record" means electronically stored data associated with an individual registered voter.

20. "Social security number" means the last four digits of a voter's social security number issued by the Social Security Administration.

21. "Voided" means the status of a voter whose registration information has been declared void pursuant to law and is therefore ineligible to vote. A voter on voided status is deemed not registered to vote.

22. "Voting History" means the electronic record of each time a voter participates in a state or Federal election.

23. "Active Voter" means an eligible voter whose residence address is current

Sec. 5. Official Statewide Voter Registration List.

1. A County Elections Official shall submit the voter registration information required by the Data Exchange Standards Document for his respective county to NevVoter in accordance with Section 12.

2. The official statewide voter registration list for Federal elections shall be maintained in NevVoter. County Elections Officials must use the NevVoter list to determine eligibility to vote, issuance of ballots, whether or not to count a provisional ballot, and for any other election related functions.

3. For the purposes of establishing the official voter registration list for a Federal election and determining voter eligibility to vote in that election, including determining the validity of any provisional ballot cast in that election, the Secretary of State shall archive a copy of all eligible voters in NevVoter on the 19th day prior to an election. No changes may be made to the archived records prior to the upcoming election except under the following circumstances:

(a) New or updated voter registration data received pursuant to the production and filing of a certified copy of a judgment of a court of competent jurisdiction directing registration to be made;

(b) Voter registration data regarding a voter determined by the Secretary of State or a County Elections Official to have been legally registered to vote as of the close of registration; or

(c) Voter registration data submitted pursuant to NRS 293.502.

4. County Election Officials shall continue to submit information to NevVoter after the 19th day prior to an election but any such records shall not be included in the archived list for the upcoming election created pursuant to subsection 3.

5. The Secretary of State shall prepare an official statewide voter registration list for the upcoming election for distribution to each County Election Official from the archived records created pursuant to subsection 3 and which must be consistent with pollbooks, rosters, master lists, and posting logs generated from a County Elections Management System for use in the upcoming election and for all other official election purposes.

6. Tthe Secretary of State shall prepare a final official statewide voter registration list for use in the upcoming election which reflects the archived records created pursuant to subsection 3, along with any permitted changes to those records, for distribution to each County Election Official and which must be consistent with pollbooks, rosters, master lists and posting logs generated from a County Elections Management System for use on the upcoming election day and for all other official election purposes.

7. Within 45 days of the date the election is certified, a County Elections Official must submit a full load file which includes the Voting History for each voter in a County Election Management System. The Secretary of State shall thereafter update the list created pursuant to subsection 6 with the Voter History of all eligible voters, and the list shall then be archived and preserved.

Sec. 6. Status of Voters in NevVoter.

1. Every person in NevVoter shall be assigned a status that will be used to determine eligibility to vote in an election.

2. Persons with "active," or "inactive" status shall be considered eligible to vote.

3. Persons with "p-17" status shall be considered eligible to vote in any election that takes place on or after that person's eighteenth birthday.

4. Persons with "void" or "cancelled" or "pend" status shall be considered ineligible to vote. A person with any such status may be placed on a different status up to the date of the election if a County Election Official determines pursuant to law that the person's status should be changed, and that change is thereafter made to a County Election Management System and submitted to NevVoter.

5. "Active" and "fatal pends", as defined in Section 4(18) are category statuses not appearing in NevVoter, but which may appear in local election management systems.

Sec. 7. Action Required.

1. A County Elections Official who receives a notice from the Secretary of State or another County Elections Official requesting a change to, or cancellation of, or verification of, a voter's registration record shall commence the requested action, including sending any required

notices, within five (5) calendar days after receipt of the notice. A County Elections Officials shall undertake all reasonable and legally required actions to research and comply with the requested action. A County Elections Official shall follow the procedures set forth in the NevVoter Procedures Manual.

2. In the event that a County Elections Official is required by law to provide a notice to a voter in order to comply with the requested action, a County Elections Official must complete the requested action and submit a fully complete and updated full load file to NevVoter within thirty (30) calendar days of the date the County Elections Official receives the notice set forth in subsection 1 of this section.

3. In the event that a County Elections Official is not required by law to provide a notice to a voter in order to comply with the requested action, including but not limited to data entry errors, a County Elections Official must complete the requested action and submit a fully complete and updated full load file to NevVoter within ten (10) calendar days of the date the County Elections Official receives the notice set forth in subsection 1 of this section.

4. A County Elections Official shall give priority to all notices received from the Secretary of State pursuant to subsection 1 of this section which pertain to voter registration applications submitted on and after January 1, 2006.

5. A County Elections Official who receives a notice pursuant to subsection 1 of this section before the date of an election must expedite and complete the required action by the date of the election.

6. A County Elections Official may, in his discretion, resolve any data entry errors regardless of how or by whom such errors were generated.

Sec. 8. Data Exchange Standards.

1. The Secretary of State shall regularly check and identify records that are not compliant with the Data Exchange Standards Document. County Elections Officials must correct deficient registration records in accordance with Section 7.

2. Except as provided in Section 5, County Elections Officials must submit all registration records listed in the Data Exchange Standards Document to NevVoter. Such records shall adhere to proper format as noted in the Data Exchange Standards Document.

3. The Secretary of State shall transmit registration records, notices, and other information regarding NevVoter to County Elections Officials each night.

4. Each County Elections Official must access NevVoter each business day to obtain the most current voter registration information.

5. The Data Exchange Standards Document may be accessed by elections officials by contacting the Secretary of State's Office.

Sec. 9. County Elections Management System Requirements.

Each elections official shall maintain a County Elections Management System that is able to submit information required by the Data Exchange Standards Document to NevVoter in accordance with Section 5 and Section 12. The Elections Management Systems shall also maintain and process all of the following information:

1. The voter's Nevada driver's license number, or for voters without a Nevada driver's license number, the last four digits of the voter's social security number, or for voters without a Nevada driver's license or a social security number, a record of whether the voter signed the affidavit required by NRS 293.507(5);

2. Whether the voter is an Active voter or whether critical eligibility criteria are missing;

3. Voting history of each registered voter in the county in which the elections official conducts and administers the elections;

4. Whether any voter failed to provide the requisite identification at the time his voter registration application was submitted;

5. Whether any voter registered by mail after January 1, 2006 and has not previously voted in a federal election;

6. The date and type for each mailing list maintenance notice sent to a voter, whether the voter to whom the list maintenance notice was directed responded to the notice, and any resulting updates to voter registration records;

7. For a voter who is listed in an Elections Management System as an inactive voter, the reason for the change in status to inactive voter and the date of the change;

8. For a voter who is listed in an Elections Management System as having a cancelled or void registration, the reason for the change in status to cancelled or void and the date of the change;

9. For a voter who is listed in an Elections Management System as having a pending registration, the reason for the pending status; and

10. The voter's unique identifier assigned pursuant to Section 29 of these regulations.

Sec. 10. Critically Deficient Registration Records.

A registration record submitted for the purposes of updating NevVoter that does not contain critical eligibility criteria shall be placed on fatal pending status. A County Elections Official shall take all reasonable steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these

regulations, and at the latest, by the Wednesday before an election. A voter who is the subject of the critically deficient registration record shall not be deemed eligible to vote until the deficient registration record is corrected, resubmitted to and accepted by NevVoter. This Section shall not preclude the right of an individual to cast a provisional ballot.

Sec. 11. Verification of Nevada Driver's License Numbers on Registration Applications Submitted on or After January 1, 2006.

1. Each business day the Secretary of State shall compare driver's license numbers for each voter in NevVoter with the driver's license data file from the Nevada Department of Motor Vehicles in order to match Nevada driver's license numbers for all registered voters in NevVoter.

2. The Secretary of State shall immediately notify a County Elections Official of any voters who the Secretary of State determines have an unmatched driver's license number as the result of the process in subsection 1 of this section.

3. A County Elections Official noticed pursuant to subsection 2 of this section shall take the necessary steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

4. If, as a result of the procedure set forth in subsection 3 of this section, a County Elections Official determines that an unmatched driver's license number was the result of a data entry error, the County Elections Official shall correct the error and submit a full load file to NevVoter.

5. If a County Elections Official is unable to obtain a driver's license number as the result of the procedure set forth in subsection 3 of this section, a voter shall not be allowed to cast any ballot except a provisional ballot unless the voter has provided his social security number or has signed the affidavit required by NRS 293.507(5). A voter who provides proof of his correct driver's license number at a polling place shall be considered to have provided the correct number as of the last day to register for that election. A County Elections Official shall enter the correct number into a County Elections System and submit a full load file to NevVoter at the next time a full load file is required by these regulations.

6. The provisions of this section apply only to voter registration applications submitted on and after January 1, 2006.

7. The provisions of this section do not apply if a voter has provided a social security number that has been verified pursuant to Section 17 or if a voter has signed the affidavit required by NRS 293.507(5).

8. All voter registration applications submitted on and after January 1, 2006 and before an election must be processed by the date of the close of registration for that election.

Sec. 12. Full Load Files.

Except as provided in Section 5, or otherwise requested by the Secretary of State, County Elections Officials shall submit a full load file to NevVoter at least once every twenty-four hours, each business day.

Sec. 13. Updating NevVoter with New Registration Records and Changes to Existing Registration Records.

Except as provided in Section 5, whenever a County Elections Official receives a new registration record or a change to an existing registration record or makes a change to an existing registration record, whether in response to a notice from the Secretary of State or otherwise, the County Elections Official shall process such information and transmit a full load file to NevVoter in accordance with Section 12 on the same business day in which the changes are made to the County Elections Management System. Additionally, the County Elections Official shall keep a record of all changes made.

Sec. 14. State Death Records.

1. The Secretary of State shall compare all voter registration records with records of deceased persons from the Department of Health and Human Services each time the Department of Health and Human Services updates its records of deceased persons.

2. Whenever the Secretary of State receives new records of deceased persons from the Department of Health and Human Services the records shall be compared to the voter registration records in NevVoter to identify potential matches.

3. Upon identifying potential matches, the Secretary of State shall transmit notices of the potential matches to the appropriate County Elections Officials.

4. A County Elections Official shall correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

5. If a match is confirmed by the County Elections Official, the County Election Management System shall be updated accordingly and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12. If a match is confirmed, a County Elections Official may consider the notice sent by the Secretary of State pursuant to subsection 3 of this section to be a sufficient notice to cancel a registration pursuant to NRS 293.540(1).

6. If a match is not confirmed by the County Elections Official, the County Elections Official shall notify the Secretary of State and shall not list the voter as deceased in a County Election Management System.

Sec. 15. Felony Records.

1. Each County Elections Official shall compare all voter registration records with records of convicted felons received from any law enforcement agency or from the Secretary of State whenever the County Elections Official receives updated felony records.

2. Whenever the County Election Official receives new records of convicted felons the records shall be compared to the voter registration records in County Elections Management System to identify potential matches.

3. Upon identifying potential matches, the County Election Official shall determine whether the convicted felon has had his right to vote restored pursuant to NRS 213.090, 213.155, 213.157 or 293.540.

4. If a County Election Official determines that a convicted felon has had his right to vote restored, the County Election Management System shall be updated accordingly and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12.

5. If a County Elections Official determines that a convicted felon has not had his right to vote restored, the County Elections Official shall cancel the registration of that person in a County Election Management System and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12.

Sec. 16. Duplicate Registration Records.

1. Each business day, the Secretary of State shall conduct checks within the NevVoter statewide registration list to identify potential duplicate registrations for the same voter within that list, based on established rotating criteria. Upon identification of potential duplicate registration records, the Secretary of State shall automatically send an electronic notice to the county or counties with the record or records created prior to the latest date.

2. A County Elections Official noticed pursuant to subsection 1 of this section shall correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

3. If a County Election Official confirms that duplicate registrations exist, all but the most current registration shall be cancelled in a County Election Management System and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12. If a duplicate registration is confirmed, a notice sent pursuant to subsection 1 of this section shall operate as a cancellation notice for purposes of NRS 293.527.

Sec. 17. Verification of Social Security Numbers Listed on Registration Applications Submitted on or After January 1, 2006.

1. Each business day, the Secretary of State shall compare social security numbers for each voter in NevVoter with the social security number data file from the Social Security Administration in order to match social security numbers for all registered voters in NevVoter.

2. The Secretary of State shall immediately notify a County Elections Official of any voters who the Secretary of State determines have an unmatched social security number as the result of the process in subsection 1 of this section.

3. A County Elections Official noticed pursuant to subsection 2 of this section shall take the necessary steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

4. If, as a result of the procedure set forth in subsection 3 of this section, a County Elections Official determines that an unmatched social security number was the result of a data entry error, the County Elections Official shall correct the error and submit a full load file to NevVoter.

5. If a County Elections Official is unable to obtain a social security number as the result of the procedure set forth in subsection 3 of this section, a voter shall not be allowed to cast any ballot except a provisional ballot unless the voter has provided a Nevada driver's license number or has signed the affidavit required by NRS 293.507(5). A voter who provides proof of the correct social security number at a polling place shall be considered to have provided the correct number as of the last day to register for that election. A County Elections Official shall enter the correct number into a County Elections System and submit a full load file to NevVoter at the next time a full load file is required by these regulations.

6. The provisions of this section apply only to voter registration applications submitted on or after January 1, 2006.

7. The provisions of this section do not apply if a voter has provided a Nevada driver's license number that has been verified pursuant to Section 11 or if a voter has signed the affidavit required by NRS 293.507(5).

8. All voter registration applications submitted on and after January 1, 2006 and before an election must be processed by the date of the close of registration for that election.

Sec. 18. Voting History.

A County Elections Official shall submit to the Secretary of State the Voter History of all voters who cast a ballot in each statewide and Federal election by the 45th day after each election.

Sec. 19. Certification of Elections Official.

By submitting a full load file to NevVoter, a County Election Official certifies that the information contained therein is accurate, is in compliance with State and Federal law, and was submitted to NevVoter via secure file transfer protocols and in accordance with applicable law.

Sec. 20. Obligations of State and Local Election Officials.

Any voter registration information obtained by a County Elections Official shall be electronically entered into the County Elections Management System and into NevVoter on an expedited basis at the time the information is provided. The Secretary of State shall provide such support as may be required so County Election Officials are able to submit any voter registration information into NevVoter.

Sec. 21. Computerized List Maintenance and Conduct.

1. A County Election Official is responsible for daily and routine upkeep and maintenance of all voter registration information in an Election Management System and any information that is submitted to NevVoter. Daily and routine upkeep must include efforts to identify and remove ineligible voters from the active voter rolls.

2. Routine upkeep and maintenance must be done in a manner that ensures that the name of each eligible and registered voter appears in NevVoter.

Sec. 22. Pollbooks, Rosters, Master Lists and Posting Logs.

A County Elections Official may print pollbooks, rosters, master lists and posting logs for use at a polling place from an Election Management System so long as the voter information on the Election Management System is identical to the voter information maintained in NevVoter as of the date on which the roster will be used and so long as the County Elections Official has made all certifications required by these regulations.

Sec. 23. Reports.

A County Election Official shall submit to the Secretary of State all reports generated by a County Election Official pursuant to the Data Exchange Standards Document.

Sec. 24. Security.

1. All transmissions of data to and from a County Elections Management System and NevVoter must be secured pursuant to the standards set forth in the Data Exchange Standards Document.

2. A County Elections Official shall ensure that any voter registration information that is deemed confidential by law is not disclosed to unauthorized personnel in any transmissions to and from NevVoter or NevValidator.

3. NevVoter and NevValidator may only be utilized by authorized personnel for election purposes. The Secretary of State may establish minimum criteria, including but not limited to background checks, for any such authorized personnel.

Sec. 25. Confidential Address Program.

All voter records that are confidential pursuant to NRS 293.5002 shall be maintained in a manner ensuring these records are accessible only to authorized personnel and shall not be accessible to the public. Confidential voter records under this section shall be maintained by County Election officials and the Secretary of State will periodically verify status of confidential address program participants as requested by the Secretary of State.

Sec. 26. Confidential Voter Addresses and Telephone Numbers.

A County Elections Management System shall note any voter who has requested that his address and telephone number be kept confidential pursuant to NRS 293.558. Such a notation shall be submitted to NevVoter as part of a full load file.

Sec. 27. County Elections Official Override.

A County Elections Official may override a notice from the Secretary of State or another County Elections Official sent pursuant to Sections 11, 14, 15, 16 or 17 if both the County Elections Official and the Secretary of State agree that the notice was sent in error. In the event of an override, the County Elections Official must maintain a detailed description of the reason for the override.

Sec. 28. Voters Who Are Exempt From Identification Requirements.

If a voter is exempt by law from a requirement to show identification at a polling place, such an exemption shall be noted in a County Elections Management System and shall be included in a submission of any full load file.

Sec. 29. Unique Identifier.

Each voter in NevVoter shall be assigned a unique identification number. The unique identification number shall be assigned pursuant to the procedures set forth in the Nevada Procedures Manual and the Data Exchange Standards.

APPENDIX F

Attestation That Nevada is in Compliance with Federal Laws as They Apply to HAVA

I, Ross Miller, Nevada Secretary of State and the chief election official for the State, certify that I have reviewed the Federal HAVA requirements and that the State of Nevada is in compliance with the applicable requirements. I further attest that the State of Nevada will remain in compliance will all applicable Federal laws upon receipt of requirements payments.

_____
Signature

_____
Print Name

_____
Date

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[FR Doc. E8–26917 Filed 11–14–08; 8:45 am]
BILLING CODE 6820–KF–C