Estimated Total Burden Hours: 66,666 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October, 6, 2009.

Rhonda Taylor,

Acting Director of Corporate Relations.

[FR Doc. E9–24654 Filed 10–13–09; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 13, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 7, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title: Common Core of Data National Public Education Financial Survey (NPEFS) 2009–11.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 5264.

Abstract: As a result of American Recovery and Reinvestment Act of 2009 (ARRA), NCES has been asked to add six data items to the Common Core of Data National Public Education Financial Survey (NPEFS) in order to allow an adjustment in the state per pupil expenditure (SPPE) used in allocating Title I, Impact Aid, and other ED funds. The Department must be able to exclude the ARRA expenditures from the SPPE so that they will not affect the allocation process. States are already required to track the ARRA revenues separately. The six additional data items will provide the necessary detail to exclude ARRA expenditures from SPPE and allow states to report total ARRA expenditures and their functional allocations, such as for classroom instruction or school construction. The estimated additional data burden time is 8 hours per respondent, for a total of 79 burden hours per state data technician and 19 burden hours per state data manager (total 5,264 burden hours). NPEFS annually gathers universe information from states about revenues and expenditures for public education, specifically revenues by source and expenditures by function and object, such as school administration costs, student transportation, food services, salaries, benefits, and supply costs.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4108. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–24727 Filed 10–13–09; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

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

ACTION: Notice.

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

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

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

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

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

the second revision the State plans for Indiana.

The revised State plans from Indiana provides information on program accomplishments and address changes in the respective budgets to account for the use of Fiscal Year 2008 and 2009 requirements payments. In accordance with HAVA section 254(a)(12), the State plan submitted for publication provides information on how Indiana succeeded in carrying out its previous State plan. The State confirms that the changes to the State plan were developed and submitted to public comment in accordance with HAVA sections 254(a)(11), 255, and 256.

Upon the expiration of thirty days from October 14, 2009, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

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

Chief State Election Officials

The Honorable Todd Rokita, Secretary of State, State of Indiana, The State House, Room 201, Indianapolis, Indiana 46204, Phone: (317) 232–6531.

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

Dated: October 2, 2009.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

SECRETARY OF STATE
STATE OF INDIANA

Todd Rokita
Secretary of State

September 23, 2009 Page 1

Mark W. Abbott, PhD
Director of Grants
U.S. Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, D.C. 20005

Dear Dr. Abbott:

Section 11 of Indiana's State Plan states that, "the Secretary of State shall...publish the changes in the *Federal Register* upon submitting the revised plan to the Election Assistance Commission." In accordance with Section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with the Election Assistance Commission (EAC), for publication in the *Federal Register*, this letter and the following new pages that reflect amendments made to the Indiana State Plan for Implementing the Help America Vote Act of 2002. These new pages, together with non-substantive changes that were made by the tri-partisan Vote Indiana Team, will constitute the Indiana HAVA State Plan.

Throughout the amended document, references to future activities and tasks encompassing Indiana's implementation of HAVA have been changed to reflect the completion or level of completion of these important implementation features. Additionally, certain changes in Indiana election law has led the Vote Indiana Team to add these changes to the State's HAVA outreach, training, and education initiatives. Finally, while remaining tri-partisan and representing a diverse group of Hoosier voters, some members of the Vote Indiana Team have been replaced by new members and the total number of Vote Indiana Team members has decreased. These and other non-substantive changes can be found throughout most sections of the Indiana State Plan. After previous consultation with EAC Staff, the State has elected not to include those changes for publication in the *Federal Register*. Instead, the State would direct the EAC and members of the public to the Indiana Secretary of State's HAVA website (www.in.gov/sos/elections/hava) to view and copy the complete Indiana State Plan as the Vote Indiana Team has amended it.

Substantive changes to the Indiana State Plan can be attributed to the FY2008 and FY2009 Title II requirements funds appropriation by Congress. These changes include a HAVA budget for State fiscal years 2010 and 2011. This budget contemplates ongoing funding for the Statewide Voter Registration System (SVRS), poll worker and election official training, voter education,

The State House, Room 201, Indianapolis, Indiana 46204, (317) 232-6531, FAX (317) 233-3283
email: aa@sos.IN.gov www.sos.IN.gov

SECRETARY OF STATE
STATE OF INDIANA

Todd Rokita
Secretary of State

HAVA administration, continued administration of the grievance process, voting system reimbursements, and the development and implementation of the online voter registration application -which will make it easier to Hoosiers to register to vote or update their registration information. Language was also added to ensure Indiana can obtain future Title II distributions in a quick and efficient manner.

The 2009 Amendments to the Indiana State Plan were developed in accordance with Section 255 of HAVA and the requirements for public notice and comment prescribed by Section 256 of HAVA.

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

Sincerely,

Todd Rokita
Indiana Secretary of State

CC: J. Bradley King, Co-Director Indiana Election Division
Pamela Potesta, Co-Director Indiana Election Division

Attachments
-Substantive Changes to the State Plan: Pages 14 through 78
-"The Indiana State Plan to Implement the Help America Vote Act of 2002"

The State House, Room 201, Indianapolis, Indiana 46204, (317) 232-6531, FAX (317) 233-3283
email: aa@sos.IN.gov www.sos.IN.gov

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

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

In 2002, Indiana issued an initial Quantity Purchase Agreement (QPA) with four voting systems vendors whose optical scan or direct record electronic (DRE) voting systems were previously certified by the Indiana Election Commission. This original QPA was for a one year term, subject to renewal. However, since no vendor requested renewal before that QPA expired, the State has subsequently entered into a separate QPA for each specific voting system model following the certification of that voting system by the Indiana Election Commission. Replacement of lever machines **and punch card voting systems** in all Indiana counties is complete. **The separate QPAs with individual voting system vendors subsequently expired by the terms of those agreements.**

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

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

As of **May 4, 2009, 92** counties have received or have been approved to receive a total of **approximately $ 39** million in reimbursements for upgraded voting systems. **All** Indiana counties have accessible voting equipment to meet HAVA requirements

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

The Team supports the Secretary of State forming a committee to review the impacts of legislative mandates requiring voter verified paper audit trails (VVPATs) for counties

currently using DRE voting systems. The review should include fiscal impacts to counties and the state and availability of such technologies for voting systems affected in Indiana.

B. Statewide Voter Registration System

By January 1, 2006, the Indiana statewide voter registration system (SVRS) **was** online in all 92 Indiana counties. This **allowed for** the creation and maintenance of a more accurate list of persons legally authorized to vote in Indiana. In addition to using the system for voter registration, Indiana **has used** this single, centrally administered system to assist the Secretary of State **to provide** all Indiana voters access **with** a free web-based or phone-based information system that indicates where a voter's polling place is located and confirms a voter's registration record.

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

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

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

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

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

E. Statewide Grievance Procedure

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

F. Training and Education

Since 2003, the Secretary of State, through the Indiana Election Division **and HAVA office, expanded** upon the **previous** training and educational opportunities for poll workers and voters, **many of** which are explained in detail in Section 3 (**page 19**) of this plan.

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

An election official and poll worker certification process will be developed and administered by the IED of the Secretary of State's office to more effectively train local election officials and poll workers; special focus will be on HAVA's requirements of accessible voting systems and polling places, provisional ballots and documentation for first-time mail-in registrants. Public Law 109-2005 (SEA 483), the photo identification requirement discussed in subsection C. of this Section **has been** a major focal point of **these** training initiatives.

The Team recommends that the Indiana Election Commission revise the election forms used by candidates and the public. The Team also supports using a portion of HAVA funds to hire a forms designer to improve forms. The Team recommends that forms be made in a fillable .pdf format and all forms on the web be improved by incorporating error trapping routines and drop down boxes for county information.

Section 2

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

(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 measure adopted under paragraph (8)*

- development of videos and digital video disks (DVDs), with internet access to these videos)
- production of a video for county commissioners and others charged with selecting polling places

3. There **are** efforts to increase voter participation by providing information about the voting process to better educate voters. This information **includes** information about voting systems, photo identification requirements, voter rights and responsibilities, accessibility and military/overseas voting. This **includes** the following:

- development of agreements with local government and public television stations to air voter instructions on use of voting equipment and information about voter rights
- production of a master video on voter education
- offering assistance to county election boards which wish to arrange for the display of voting equipment in malls and local library systems
- Development/Production of Public Service Announcements and NCAS
- Production of written materials and web information on Voter's Bill of Rights, photo identification requirements, provisional ballots and overvoting
- Publication of Military/Overseas voter guide with a focus on absentee balloting process including additional information on military/overseas voting on Indiana Election Division website

In the spirit of fully informing local government officials who must carry out activities required under HAVA, the Team fully supports conducting HAVA workshops targeted to Indiana's local government officials. These opportunities occur during the annual meetings of the Association of Indiana Counties and Indiana Association of Cities and Towns.

The Plan's budget (set forth in section 6), set aside $3.9 million for voter education, election official education and training, and poll worker training. The plan called for $1.4 million of the $3.9 million to be set aside for voter education. **These funds may not be used for Get-Out-The-Vote (GOTV) efforts, as described in U.S. Election Assistance Commission Funding Advisory Opinion; FAO-008-005.**

The Secretary of State and Indiana Election Division **prepared a preliminary** training and voter education budget to provide the **Team's initiatives with immediate resources**. The Team recognized that significant training and voter education efforts were required to prepare for the 2004 election and to proceed before a final training and education budget was completed.

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

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

Section 4

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

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

Indiana Code 3-11-15-13.3 sets forth voting systems guidelines and processes consistent with the Voting Systems Standards set forth in HAVA. A voting system certification expires on October 1, **2009** or four years after that date, following approval of the system by the Commission.

- Under Indiana law, the Indiana Election Commission must approve any model of voting system before it may be used in an election. Indiana law now requires that a voting system shall meet the Voting Standards adopted by the Federal Election Commission on April 30, 2002 to be approved by the Commission for use in Indiana.

  On December 13, 2005, the U.S. Election Assistance Commission adopted new Voluntary Voting System Guidelines to replace the 2002 FEC Standards. However, the transition process to the new Guidelines is not complete.

  Due to delays in testing, federally accredited laboratories have not completed their review of some voting systems submitted while the 2002 Standards were in effect. These voting systems are expected to receive laboratory reports documenting their compliance with the 2002 Standards.

  In contrast, voting systems submitted to laboratories since 2008 are being tested for compliance with the 2005 Guidelines, and are expected to receive laboratory reports documenting their compliance with the 2005 Standards.

  Since the ongoing federal effort to complete implementation of the 2005 Guidelines will not be completed before the current certification of voting systems in Indiana expires on October 1, 2009, the Team notes that the 2009 session of the Indiana General Assembly enacted an amendment to Indiana Code 3-11-15-13.3 to provide that a voting system may be approved by the Indiana Election Commission if the system meets the requirements set forth in either the 2002 Standards or the 2005 Guidelines.

  The U.S. Election Assistance Commission is already considering further amendments to the 2005 Guidelines, but has not completed its work. Therefore, the Team recommends that the voting system guidelines adopted under Indiana law be revisited in the future to eventually phase out references to the 2002 Standards, and to adopt any revisions to the 2005 Guidelines that would improve the process of voting system certification.

  Indiana Code 3-11-15-13.3(b) permits a county to continue to use a voting system whose certification expired on or before October 1, 2005, if the voting system was approved by the Indiana Election Commission for use in Indiana elections before October 1, 2005, and purchased by the county before October 1, 2005, if the voting system otherwise complies with the applicable provisions of HAVA and Indiana election law. The

"October 1, 2005" date referenced the start of the current four year voting system certification term. Some counties currently use voting systems purchased before 2005 under this "grandfathering" provision. Other counties currently use voting system versions purchased after October 1, 2005 whose certifications will expire October 1, 2009 and may not be renewed.

Noting that the law specifically requires any voting system to comply with the applicable provisions of HAVA and the Indiana election code to qualify for continued use by a county under this "grandfathering" provision, the Team notes that the 2009 session of the Indiana General Assembly enacted an amendment to revise the "October 1, 2005" dates in this statute to read "October 1, 2009."

- Under Indiana law, the Commission may not approve a voting system for use in Indiana unless the system meets the requirements for voting systems set forth in the Indiana Code. The requirements include ensuring secrecy and, in the case of a **DRE** voting system, preventing a voter from voting for the same candidate or for or against the same public question more than once. In cases where an optical scan ballot card system is used with a precinct tabulator, voters are alerted by the system to any overvote and provided with an opportunity to correct any overvote error. Where paper ballots or optical scan ballot card voting systems without precinct tabulators are used or absentee ballots are mailed out, Indiana law **required** a voter education program be developed to inform voters using these systems of the effect of overvoting.
- Current Indiana law establishes uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot, optical scan voting system and electronic voting system. As referenced in the landmark United States Supreme Court decision in *Bush v. Gore*, 531 U.S. 98 (2000), Indiana statutes set forth very specific standards for determining what constitutes a vote in each type of voting system that may be used.
- The Indiana Code and election manuals produced by the Indiana Election Division are both very specific on how to accurately count each vote.

Public Law 221-2005 (HEA 1407) required the Secretary of State to establish the Voting System Technical Oversight Program. Under this Program, the State **has contracted** for technical assistance **with the Bowen Center of Ball State University to perform** a number of tasks related to the certification of voting systems in Indiana.

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

Republican and one Democrat, and two members of the House of Representatives, one Republican and one Democrat. The Committee meets even when the General Assembly is not in session.

The HAVA Administrator, an employee of the Secretary of State, is charged with the day-to-day responsibilities of managing each of these accounts to ensure the distribution of funds in accordance with federal and state laws. The HAVA Administrator works with the State Budget Agency, the Auditor of State, and the Indiana Election Division Co-Directors to carry out these responsibilities. The HAVA Administrator also seeks clarification from the federal Election Assistance Commission concerning the federal audit requirements applicable to these accounts.

Section 6

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

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

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

Budget:

The total federal appropriations for HAVA, as of **July 2009**, were less than the amounts originally authorized by the federal legislation.

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

The Plan's budget assumes that additional HAVA funds will be received (see "Distribution of "new" HAVA funds through 2011" [page 29].

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

Indiana legislation was enacted to allow for **the first three** required state matches (Public Law 224-2003, SECTION 98; Public Law 246-2005, SECTION 3.). Two of the three state matches were appropriated within the same *federal* fiscal year (FY 2004). **Indiana legislation was enacted to appropriate the fourth and fifth required state match (Public Law 108-2008, SECTION 6). The Team recommends that Indiana enact any necessary legislation to**

appropriate any future required state match for federal HAVA funds made available in late 2009 and beyond.

Interest earned on HAVA funds is to be reinvested in election administration and HAVA Title III compliance measures.

Federal Fiscal Year	*Total Federal funds*	*Indiana federal funds*	*5% match*
Early Payments	$325,000,000 (Sec. 101) $325,000,000 (Sec. 102) (appropriated)	$15.8 million	N/A
FY 2003	$810,000,000 (appropriated)	$17.3 million	$865,000
FY 2004	$1,498,360,620 (appropriated)	$31.17 million	$1,558,641
FY 2005	$0.00	$0.00	$0.00
FY 2008	**$115,000,000**	**$2,378,803**	**$125,200**
FY 2009	**$100,000,000**	**$2,068,525**	**$108,870**
Total	**$3,173,360,620**	**$69.13 million**	**$2,423,641**

Additional Funding: Health and Human Services grant

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

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

In response to applications submitted by the Secretary of State in each of **six** federal fiscal years, Indiana received the following as its share of these funds:

(A) Parking spaces marked and available to conform with IC 5-16-9
(B) The path to the facility that an individual must travel on the property where the facility is located
(C) The entrance of the facility to be used by voters
(D) The paths of travel within the facility to the rooms or areas where the voting system is located
(E) The rooms or areas in the facility where the voting systems are located."

Distribution of Indiana's HAVA funds (This chart is based on a $71.4 million budget.)

Total money: **$71.4 million**

20.8 % on SVRS which equals $14.84 million from Sec. 101, Title III requirements monies and state matching funds.
6.4 % on Training and Education which equals $4.6 million from Sec. 101 and Title III requirement monies.
15.7% on Strategic Reserve (to meet any HAVA requirements) which equals $11.23 million from Section 101 and Title III requirement monies
.14% on Administration of Grievance Procedure which equals $100,000 from Title III requirement monies.
1.4% on Administration of HAVA which equals *$1,015,000* from Sec. 101 funds • **This will include implementation costs of $275,000 for on-line voter registration.**
55.5% on Voting Equipment which equals $39.6 million from Sec. 101, 102, Title III requirement monies and state matching funds.

Account	*Amount*	*Distribution*	*Not Allocated*
Section 101	$6,230,481 (received)	Training & Education $1,730,481 Administration $740,000 Voting Equipment $1,486,449 Strategic Reserve $2,000,000 On-line Voter Registration $273,551	Not Allocated $ 0
Section 102	$9,522,394 (received)	Voting Equipment $9,522,394	Not Allocated $0
Title III Requirement Monies	$48,544,987 (received) $4,447,358 (pending)	Voting Equipment $26,730,481 Voter File $14,740,190 Grievance $50,000 Training and Education 2,713,124 Strategic Reserve $8,757,520	Not Allocated $0
State Match	$2,657,711 (received)	Voting Equipment $1,886,408 Grievance $50,000 Statewide Voter File $100,000 Training & Education $149,560 Strategic Reserve $470,294 Online Voter Registration $1,449	Not Allocated $0
Total	$71,402,901	$71,402,901	Not Allocated $0

Distribution of "new" HAVA funds, budget through 2011:

In 2008 and 2009, Congress appropriated funds for the states to help meet the remaining HAVA obligation to the states. Although still not fully funded according to the original HAVA legislation, Indiana's share of these two appropriations is:

Account	Amount	Allocation
2008 Title III Requirement Monies	$2,378,803	SVRS $2,040,190 Voter Education $338,613
2009 Title III Requirement Monies	$2,068,525	SVRS $1,800,000 Voter Education $204,992 Strategic Reserve $63,533
2008 State Match	$125,200	Grievance Procedure $50,000 Poll Worker Training $47,165 Strategic Reserve $28,035
2009 State Match	$108,870	Online Voter Registration $1,449 Voter Education $102,395 Strategic Reserve $5,026
Total	$4,681,398	$4,681,398

If Indiana receives additional federal HAVA funds from appropriations in the budget for the federal fiscal year beginning October 1, 2009, those funds will first be used to reimburse four counties, Boone, Cass, Parke, and Randolph ("VTI Counties"), for up to a total of $900,000 (the amount currently known to be the cost of voting systems purchased by those counties in 2007-08 to replace voting systems previously reimbursed with HAVA Section 102 and Title III requirement monies), as prescribed under Indiana Public Law 108-2008.

If these federal FY 2010 appropriations are not received by Indiana, the four aforementioned counties will receive reimbursements from the Section 101 allocation of $1,486,449.00 intended for the 18 identified "super responsible" counties (see page 34) for up to a total of $900,000 (or the amount that makes these counties whole). In this scenario, after distribution of funds to the four aforementioned counties, the remainder of the $1,486,449.00 will be distributed to the super responsible counties.

However, if a county is listed above and also considered a "super responsible" county (Boone County), that county shall only receive reimbursement under one classification and will forfeit reimbursement under the other classification.

Notwithstanding the statement above, additional future federal appropriations of Title III requirement monies will be placed into the strategic reserve and used for any of the Title III requirements activities described in this plan. Expenditures of these funds will be determined by the Secretary of State with the consent of the Co-Directors of the Indiana Election Division.

A. Voting Systems

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

Voting System Certification

Indiana law currently incorporates the 2002 FEC voting system standards. **In 2009, legislation was enacted to permit the Indiana Election Commission to approve a voting system application for certification if the voting system complies with either the 2002 FEC voting system standards or the 2005 United States Election Assistance Commission Voluntary Voting System Guidelines.**

The legislature has enacted the legislation recommended by the 2003 Plan to provide for more detailed scrutiny of applications for voting system certification, a four year term for certification **being** established, with all existing applications expiring October 1, 2005 and coming up for renewal during the off election year, notwithstanding any upgrades or improvements approved during the four year term.

Tier Structure for Voting System Reimbursement

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

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

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

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

The Team recognizes that this Plan proposes a reimbursement level for Tier A counties (up to $8,000) that exceeds HAVA's reimbursement amount for qualifying precincts using Section 102 monies ($3,192). It is the Team's intent to prioritize federal funding to alleviate as much as

reimbursement under Indiana Code 3-11-6.5. HAVA permits Section 101 funds to be expended for improving the administration of elections for federal office, including replacing voting systems, but does not specify any time limits during which the replacement must be made to qualify for reimbursement from these funds.

Funds set aside for "super responsible" counties that are not distributed, will be reinvested in election administration and HAVA compliance activities. It has been determined the following counties meet the definition of a "super responsible" county and will be reimbursed based on the formula ($2 million/total # precincts = $1,550.38/precinct). (Note: reimbursement cannot exceed the amount spent on voting systems.)

The funds designated for the "super responsible" counties listed below are to be held until such time as the Secretary of State, with consent of the Co-Directors of the Indiana Election Division, are able to determine that federal Title III requirements funds are allocated to Indiana from legislation passed after July 24, 2009, by Congress. Those funds will be used to reimburse counties specified in Indiana Public Law 108-2008 (see page 29).

In the event that Section 101 funds set aside for "super responsible" counties are used first to reimburse the four "VTI counties" (see pages 37-38 for reimbursement amounts), the "Reimbursement VTI Option" on the table below will determine the reimbursement amount for the "super responsible" counties. This uses the formula ($1,486,448.52/total # precincts = $521.30/precinct). This represents approximately 1/3 of the original calculated reimbursement.

County	Reimbursement	Reimbursement VTI Option
Boone*	$72,867.86	$0.00
Dearborn	$74,418.24	$25,022.40
Floyd	$93,022.80	$31,278.00
Fulton	$26,356.46	$8,862.00
Grant	$102,325.08	$34,405.80
Hamilton	$262,014.22	$88,099.70
Harrison	$54,263.30	$18,245.50
Hendricks	$72,500.00	$45,353.10
LaGrange	$24,806.08	$8,340.80
Lake	$400,000.00	$286,193.70
Marshall	$43,410.64	$14,596.40
Montgomery	$41,860.26	$14,075.10
Owen	$29,457.22	$9,904.70
Ripley	$41,860.26	$14,075.10
Scott	$62,015.20	$20,852.00
Spencer	$37,209.12	$12,511.20
Steuben	$29,457.22	$9,904.70
Switzerland	$18,604.56	$6,255.60
TOTAL	$1,486,448.52	$647,975.90

***(NOTE: Boone County qualifies for reimbursement under Indiana Public Law 108-2008, and will not receive an additional reimbursement under the "super responsible" classification.)**

Section 101 funds reinvestment in FY2010-FY2011 budget:

Account	Amount	Allocation
Section 101	$513,551	HAVA Administration $240,000 Online Voter Registration $273,551

Unless the original application already contains this information, the application for Section 101 monies must:

(1) list the name of each precinct in the county as of the date of the application;

(2) list the physical location (and mailing address if available) of the polling place designated in November 2004 (or that will be designated in the May 2006 election) to serve the residents of that precinct;

(3) state that the county election board will cooperate with the polling place accessibility survey scheduled for May 2004, subject to any amendments required to state law to permit access to polling places by survey personnel;

(4) certify that the county will make all permanent or temporary improvements to the polling place for the precinct no later than March 31, 2006 to comply with the accessibility standards set forth in state law (Indiana Code 3-11-8), and to the extent possible, make any additional improvements identified in the survey that are not specifically required by state or federal law;

(5) certify that, as of December 31, 2005, the polling place used for the precinct will contain at least one voting system to permit a voter who is blind or visually impaired to vote privately and independently in accordance with Public Law 209-2003;

(6) certify that no later than December 31, 2003, the county will adopt an ordinance establishing a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance in choosing accessible polling places;

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

(8) state whether or not this purchase or lease was entered into under a state quantity purchase agreement with a vendor certified to market voting systems in Indiana;

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

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

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

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

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

Application for "VTI Counties"

Whether the State receives FY2010 Title III requirement monies, or these counties are reimbursed from the "super responsible" county allocation (see page 29) the four qualifying counties must complete an application, based on previous version of the HAVA voting system reimbursement application, prior to receiving reimbursement for voting system purchases qualified under Public Law 108-2008. This notice specified the information required to be submitted as part of the application.

The application for HAVA reimbursements under Public Law 108-2008 must:

(1) list the name of each precinct in the county as of the date of the application;

(2) list the physical location (and mailing address if available) of the polling place designated in November 2008 (or that will be designated in the May 2010 election) to serve the residents of that precinct;

(3) state that the county election board will review polling place accessibility based on requirements contained in the Polling Place Accessibility Survey Form available on the Indiana Secretary of State's website at www.in.gov/sos/elections/files/access_survey.pdf;

(4) certify that the county will make all permanent or temporary improvements to the physical accessibility of the polling place for the precinct no later than 31 days prior to the first election following reimbursement under Public Law 108-2008 to comply with the accessibility standards set forth in state law (Indiana Code 3-11-8), and to the extent possible, make any additional improvements identified in the survey that are not specifically required by state or federal law;

(5) certify that, as of December 31, 2009, the polling place used for the precinct will contain at least one voting system to permit a voter who is blind or visually impaired to vote privately and independently in accordance with Public Law 209-2003;

(6) certify that no later than December 31, 2009, the county will adopt an ordinance establishing a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance in choosing accessible polling places (unless said body exists per previous action of the county);

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

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

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

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

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

The Election Division may prescribe that other information be included in the application.

Counties qualified for reimbursement under this section will be eligible for reimbursement for the voting system hardware, software, and firmware associated with that system as well as removable devices manufactured by the voting system manufacturer specifically for the operation of the voting system such as accessibility devices and voting cards. The following table shows the reimbursement amounts based on information provided by each county's chief election official (Circuit Court Clerk).

County/Expense	Amount
BOONE	
60 Infinity Units	$189,000.00
48 Infinity Units + ADA Device	$161,760.00
48 Precinct Printers	$12,000.00
108 Tally Cards	$1,620.00
98 Vote Cards	$686.00
55 Start Cards	$385.00
EMS Software	$33,000.00
2 GemPlus Smart Card Reader	$74.00
BOONE TOTAL	$398,525.00

CASS	
40 eSlate	$100,000.00
5 Disabled access Unit Modules	$2,500.00
6 Judge's Controller	$15,000.00
20 Mobile Ballot Box/Audio Card	$1,200.00
4 ATA Card Reader/Writer	$500.00
4 eCM	$260.00
Election Management Software	$125,100.00
Extended Warranty	$4,600.00
Professional Services	33,250.00
Discount	-$100,100.00
Minus Title III Reimbursement (12/07)	-$73,512.00
CASS TOTAL	$108,898.00
PARKE	
13 Accuvote Touch Screen TS	$57,215.50
13 VIBS Kit	$4,160.00
26 Voter Card Encoder	$10,270.00
26 Supervisor Card	$208.00
65 Voter Access Card	$227.50
12 Accuvote TS Software Licenses	$1,200.00
13 AccuVote Optical Scan OS	$74,850.00
AccuVote OS Software License	$1,200.00
Minus discount received	-$6,892.20
*software licenses for 13th machines included in machine price per a 2nd order.	
PARKE TOTAL	$142,438.80
RANDOLPH	
28 Infinity Units	$88,200.00
18 Infinity Units + ADA Device	$60,660.00
18 Precinct Printers	$5,544.00
50 Tally Cards	$750.00
40 Vote Cards	$280.00
20 Start Cards	$140.00
1 EMS Software	$33,000.00
2 GemPlus Smart Card Reader	$74.00
RANDOLPH TOTAL	$188,648.00
GRAND TOTAL "VTI COUNTIES"	$838,509.80

Operational expenses, legal expenses, paper expenses, and interest expenses may be eligible for reimbursement.

The same restriction would apply to a supplemental application requesting voting system reimbursement from state matching funds, since HAVA Section 253(b)(5) requires that the State appropriate these funds for "carrying out the activities for which the requirements payment is made." As a result, these state matching funds would presumably be subject to the same use restrictions as the federal Title III requirement monies received by the State.

However, if an application is made for reimbursement of voting system expenses from Section 101 monies, a supplemental application could request reimbursement for purchasing voting systems after January 1, 1998 and before July 1, 2001 if the voting system meets the standards permitting reimbursement under Indiana Code 3-11-6.5, as amended in 2003. HAVA permits Section 101 funds to be expended for voting system replacement that improves election administration in a state, but does not specify any time period during which the purchase must have been made to qualify for disbursement.

To ensure that the disbursement of these funds comply with HAVA and P.L. 209-2003, the Secretary of State and Election Division must specify the accounts that are the source of each disbursement made for voting system reimbursement. For accounting purposes, this Plan assumes that disbursements will be made from available funds in the following order: Title III requirement monies; state matching funds. Disbursements from Section 101 funds for voting system reimbursement will not be made in any year until the, Title III requirement monies, and state matching funds available in that fiscal year have been disbursed.

Use of Traditional Paper Ballots

If the county has not acquired a voting system which complies with HAVA, the only remaining option for the county under Indiana law is to use traditional paper ballots to conduct the election. In any event, the county must acquire at least one fully accessible voting system for each polling place for use by blind voters or voters with other disabilities.

B. Statewide Voter Registration System

The Secretary of State with consent of the Co-Directors **implemented** a statewide voter registration system that complies with Title III HAVA requirements. A team of circuit court clerks, voter registration officials from different sized counties, and Statewide Voter File subgroup members **served** in an important advisory role in the selection of a vendor, development of the system, and the conversion of data for the system. The use of an independent consultant disqualified from submitting a response to the Request for Proposal for the statewide voter registration system **assisted** in providing necessary guidance from an entity with no financial interest in the final product.

Statewide Voter Registration System Costs

The Team recommends to the General Assembly to fully fund what is a state obligation, called the Statewide Voter File (SVRS). If full funding for the Statewide Voter File does not come from the budget for the July 1, 2009 through June 30, 2011 biennium, then the difference in funding will be made up from Team funds (HAVA funds).

Furthermore, to the extent that service level credits are acquired from the SVRS vendor, that those service level credits will be utilized to reduce the funding needed from Team funds (HAVA funds). If that is the case, the balance of those funds will be put into the HAVA fund's Strategic Reserve for future distribution.

The Team believes that the State and General Assembly should continue to fund SVRS as a state system and not make SVRS a funding burden on the counties.

The development costs of the statewide voter registration system **were** assumed by the State, using Title III requirement monies, and to the extent necessary, supplemented by Section 101 funds and State matching funds. The consultant hired to develop the systems requirement document sought to identify any opportunities for efficiency and savings that may be available from using existing or planned statewide networks to share pipeline space and to conduct coordinated training events with the administrators of those systems. However, since this coordination is subject to the responsibility for system administration vested in the Secretary of State and the Election Division by P.L. 209-2003.

Replacement and upgrade of voter registration system software

The "development costs" to be assumed by the State include the hardware and software necessary for the system to perform its functions.

Voter Registration System Training

Likewise, training both State and county voter registration administrators **are** a significant **ongoing** cost to the State. The **SVRS requires** a comprehensive training program to ensure that county voter registration personnel become familiar with the features of the system. .

If a county chooses to lease or purchase additional hardware or to provide training beyond what the State provides to ensure the maintenance and proper operation of the system, the county would be responsible for those costs.

The Team recommends that the Secretary of State and Indiana Election Division coordinate with the vendor for more in-person training and directly involve the Indiana Voter Registration Association (IVRA) in conducting, coordinating, and otherwise spear-heading new user training.

Voter Registration Software

In the operation of SVRS, the following will be necessary:

- The Secretary of State, with the consent of the Indiana Election Division, shall maintain and support the system.
- The Indiana Election Division shall **maintain** interaction between the voter registration system and the provisional ballot status application.

fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.

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

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

The Plan budget sets aside an additional $47,165 for poll worker training and $646,000 for voter education.

The Team recommends that the Military and Overseas Voters Guides be directly distributed to military centers and installations in Indiana. The Team also recommends the Secretary of State produce a PowerPoint presentation on military voting and post the document on the Web. The Team further recommends that the Secretary of State ask the U.S. Department of Defense (DOD) specific questions regarding how the ballot delivery system (e-mail and fax) used by Indiana election administrators operated from their perspective, provide information on how the counties perceived it to work, and inquire if the DOD intends future improvements of the system.

D. Provisional Ballots

State law provided for provisional balloting beginning with the 2004 primary election. However, additional requirements to build a free access system, provide written documentation to provisional voters and protect provisional ballot voters' confidentiality were new under HAVA; these were addressed by additional Indiana legislation enacted in 2003.

The SVRS **includes** a provisional ballot status application program to permit a voter to obtain the provisional ballot access required to be made available under HAVA by using a secure on-line feature.

E. Grievance Procedure

HAVA requires the establishment of a state based administrative complaint procedure that will remedy grievances concerning Title III which include but is not limited to (1) voting system accessibility, (2) polling place accessibility, (3) any part of the voting process itself, (4) registration process, or (5) allegation of fraud. The details of this grievance procedure are explained under Section 9 (page 49) of this plan.

The Plan budget **currently** sets aside $50,000 for administration of the grievance procedure.

The Team recommends that the Indiana Election Commission (IEC) hold regularly scheduled meetings dedicated to the resolution of unresolved grievances, with meetings being canceled if there is not sufficient business to conduct. The Team also recommends to the IEC that better coordination be instituted surrounding the grievance procedure so the grievances can be adjudicated and those with complaints get an answer back soon. This is important so these citizens/taxpayers/voters know what has happened to their case.

It is recommended that the IEC hire an Administrative Law Judge (ALJ) to better move the process along. Since the IEC does not have its own budget, $50,000 is added to the HAVA grievance budget for this purpose.

The Team also recommends that the Election Division include the grievance form with their forms packet and on the forms CD distributed to county election administrators at the annual conference so county election officials can consider including the form with inspector kits for polling places.

F. Accessibility of Polling Place and Materials

The Secretary of State's office formed a partnership with the Governor's Planning Council for People with Disabilities (GPCPD) to conduct a statewide polling place accessibility study that established a baseline of Indiana's current environment as it relates to polling place accessibility. Each county also **formed** a local advisory council composed in part of voters with disabilities and elderly voters. The GPCPD **supplied** suggested members for the local advisory councils upon request. This council will advise the local officials on polling place accessibility and site selection. The survey and the establishment of the local council **was** required criteria for counties applying for reimbursement for voting systems.

Information will be provided by the Indiana Election Division to local election officials with suggestions about making their written materials and websites more accessible to voters with disabilities. The information will be created and organized by the GPCPD. Additional outreach will be directed toward military and overseas voters.

Currently, neither the state nor local officials have a maintenance-of-effort requirement for polling place accessibility or for the updating of materials and websites into accessible formats.

HAVA requires that voting systems provide alternative language accessibility as described in the Voting Rights Act of 1965. Using data from the 2000 United States Census, Indiana's population of non-English speaking residents does not meet the level that requires provision of voting information and materials in other languages. However, as the population of non-English speaking Hoosiers continues to increase, Indiana is taking steps to offer materials related to direct voter communication in the languages that are most prevalent. Currently, the Voter's Bill of Rights and the Application for Voter Registration Form are available in Spanish. As federal funds are available, the Indiana Election Division will translate more documents.

The Team supports production of materials in alternative formats (such as Braille) for use at polling places so grievances can be more easily and properly made.

G. Administration

The proposed budget sets aside an additional **$240,000)** for the administration of HAVA requirements **during the 2009-2011 biennium.**

including provisional ballots, documentation for first-time mail-in registrants or DREs for the disabled, except as provided below.

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

The duplicate voter registration elimination program **was** no longer utilized after 2005 under Public Law 209-2003 **(see Indiana Code 3-7-38.1, *repealed 2006*).** However, approximately $225,000 was expended to conduct this program in 1999 - 2000 to compile a statewide voter registration system and will require a maintenance-of-effort. ~~**The State match of $688,880 appropriated under Public Law 246-2005 will be used to extent required for the state to meet this maintenance of effort requirement during state fiscal years 2006 and 2007.**~~

Section 8

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

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

(A) Parking spaces marked and available to conform with IC 5-16-9
(B) The path to the facility that an individual must travel on the property where the facility is located
(C) The entrance of the facility to be used by voters
(D) The paths of travel within the facility to the rooms or areas where the voting system is located
(E) The rooms or areas in the facility where the voting systems are located."

Distribution of Indiana's HAVA funds (This chart is based on a $71.4 million budget.)

Total money: **$71.4 million**
20.8 % on SVRS which equals $14.84 million from Sec. 101, Title III requirements monies and state matching funds.
6.4 % on Training and Education which equals $4.6 million from Sec. 101 and Title III requirement monies.
15.7% on Strategic Reserve (to meet any HAVA requirements) which equals $11.23 million from Section 101 and Title III requirement monies
.14% on Administration of Grievance Procedure which equals $100,000 from Title III requirement monies.
1.4% on Administration of HAVA which equals *$1,015,000* from Sec. 101 funds • **This will include implementation costs of $275,000 for on-line voter registration.**
55.5% on Voting Equipment which equals $39.6 million from Sec. 101, 102, Title III requirement monies and state matching funds.

Section 12

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

(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.

~~**This version of the State Plan is the initial State Plan required under the Help America Vote Act of 2002.**~~

All previous information in this Section is superseded by the following which constitutes a cumulative update of the State's progress as it pertains to the State's HAVA implementation actions found throughout the State Plan.

STATE'S PROGRESS ON THE IMPLEMENTATION OF HAVA

Indiana's voting systems and compliance with Section 301 of HAVA:

The State requested a waiver authorized by section 102(a)(3)(B) of HAVA to postpone replacement of lever machines and punch card systems. The waiver request was sent to the US General Services Administration in December 2003, and the General Services Administration approved the request by letter dated February 25, 2004. The waiver permitted the State to postpone replacement of voting systems to no later than the federal elections held after January 1, 2006, (instead of by January 1, 2004). The waiver was necessary because several counties needed more time to make sound decisions on what type of voting system to purchase.

Elimination of Lever Voting Machines and Punch Card Electronic Voting Systems:

All 92 Indiana counties replaced these voting systems prior to the first federal election following January 1, 2006. That election was the 2006 Primary Election held on May 2, 2006.

Accessibility of Voting Systems for Voters with Disabilities:

All 92 Indiana counties added accessible voting systems prior to the first federal election following January 1, 2006. That election was the 2006 Primary Election held on May 2, 2006. Systems added include Direct Record Electronic (DRE) and a hybrid of Optical Scan and DRE called the AutoMark®. At least one accessible machine was made available to voters with disabilities in every polling place in Indiana.

Alternative Language Accessibility:

All voter education, training, and outreach materials have been produced in two languages, English and Spanish, since 2004.

Military and Overseas Voters Accessibility:

Indiana permits absent uniformed services voters and overseas voters to request, submit, and receive absentee ballots via facsimile transmission and electronic mail (if using a secure program approved and operated by the US Department of Defense). Many Indiana counties participated in the Electronic Transmission Service (ETS), administered by the Federal Voting Assistance Program (FVAP), in order to send and receive election materials, including ballots, to these voters during the past several elections.

The HAVA office also produced a Military and Overseas Voters Guide which has been recognized as a best practice by both the DOD and Congress. That guide is available, as are all informational materials, online at www.sos.in.gov.

Provisional Voting in Indiana:

The Indiana Secretary of State and Election Division distributed publications with detailed information regarding the provisional ballot process to standardize the counting of provisional ballots by county election boards in the 92 counties.

Voter Information:

The HAVA office provides a variety of voter information materials (in English and Spanish) to voters and county election administrators each election cycle. Included in these materials are: The Indiana Voter's Bill of Rights, Chute posters reminding voters of the photo ID requirement, a Voter Information Guide containing deadlines and various election procedures, a standardized poll worker guide, PSAs (radio, print, television, and transit ads), training videos on election procedures and voting system operation, poll worker recruitment, and more. Indiana also requires an Absentee Voter's Bill of Rights be included with each absentee ballot mailed to voters. A full complement of voter information, training, education, and outreach materials can be found on the Secretary of State's website at *www.sos.in.gov.*

Statewide Voter Registration System (SVRS):

The State requested a waiver authorized by section 102(a)(3)(B) of HAVA to postpone the commencement of the SVRS. The waiver request was sent to the US General Services Administration in December 2003, and the General Services Administration approved the request by letter dated February 25, 2004. The waiver permitted the State to postpone replacement of voting systems to no later than January 1, 2006. The waiver was necessary in order to chose a vendor, develop, build, and implement the system.

All 92 Indiana counties were provided with connectivity and computer hardware necessary to operate the system. The system connects local and state election officials with each other and provides real-time updates from each county, the Bureau of Motor Vehicles, Social Security Administration, and the Departments of Health and Correction.

Identification Requirements:

HAVA requires certain first-time mail-registrants to provide identification (as set forth on page 16 of this document).

In addition to the above ID requirement mandated by HAVA, in 2005, Indiana's governor signed into law Public Law 109-2005, better known as Indiana's Photo ID law. The law states that all voters who wish to cast a ballot in-person at any election in Indiana must provide a photo ID which meets certain criteria to confirm the identity of that person before being allowed to cast a regular or absentee ballot. The law requires precinct election boards and absentee voter boards to request this form of ID from every voter who wishes to vote in-person whether the election workers know the voter or not.

A photo ID must meet the following criteria to be acceptable under the Indiana law *(IC 3-5-2-40.5)*. The ID must:

1) show the name of the voter and the name must conform to the name on the voter's registration record;
2) contain a photograph of the voter;
3) include an expiration date showing that the photo identification has not expired or that the photo identification expired after the date of the most recent general election; and
4) be a document issued by the United States or the State of Indiana.

Individuals do not have to provide a photo ID if they vote *(IC 3-11-10-1.2 and 3-11-8.25.1)*.

1) absentee by mail;
2) absentee by traveling board; or
3) in-person on Election Day in a precinct in which the polling place is located at a state-licensed care facility where the voter resides

Those who do not have or refuse to provide proper identification, but are otherwise qualified to vote, may vote a provisional ballot *(IC 3-11-8-25.1)*. That voter then has until noon 10 days after the election to provide proper identification to the county's election board, or complete a sworn affidavit confirming that the voter is; a) indigent and unable to obtain photo identification without the payment of a fee; or b) the voter has a religious objection to being photographed. *(IC 3-11.7-5-2.5 and IC 3-11.7-5-1)*.

A voter who does not have an Indiana Driver's License or photo identification card may receive a state photo identification card free of cost *(IC 9-24-16-10)*.

Vote with ID Taskforce

Following passage of the law and before its implementation, Secretary of State Todd Rokita brought together both proponents and opponents of the measure to help develop a plan for educating Hoosier voters about the new law and its requirements. Members of the media, legislature, county election officials, and public service organizations worked together to agree on an approach to conduct outreach and educate voters.

Implementation

Immediately, the Office of the Secretary of State began training and outreach efforts to inform local election administrators about how to implement the new law and to voters on

their rights and responsibilities under the new law. Informational literature and publications and training materials were produced to distribute to these groups and the media.

An extensive media campaign of both earned and paid media was instituted before the 2006 Primary Election. The office spent more than $1.2 million on education, training, and outreach efforts from the latter half of 2005 and throughout the 2006 election cycle.

Shortly after the law was enacted, the Office initiated a massive campaign to inform and educate Hoosier voters. The Office's election outreach strategy allocated over 1.25 million dollars in HAVA funds to educate Hoosiers about various features of elections, as well as to remind them to bring their ID to the polls. Media buys (in English and Spanish) were made totaling over $1.6 million in 2006, $75,000 in 2007, and $550,000 in 2008. These included print, radio, and TV ads. Photo-ID advertisements were also placed inside and on public transportation buses in all transit markets in the state – to ensure that non-drivers received the message. Election Administrators, representing each of Indiana's 92 counties, attended Poll Worker Training classes presented by the state. They received the statewide poll worker training curriculum including Photo ID and other procedural Election Day activities, developed and distributed by my office. The Office has developed partnerships and distributed newsletter and publications on photo ID through:

- ✓ **Signage at all Bureau of Motor Vehicle facilities.**
- ✓ **Major political parties.**
- ✓ **Department of Health – via a mailing to all nursing facilities.**
- ✓ **All 107 county offices of Indiana's Family and Social Services Agency.**
- ✓ **Most colleges and universities through student body e-mail distribution.**
- ✓ **Many, many others.**

Indiana has conducted 9 successful elections from 2005 through the unprecedented 2008 General Election.

Statistics

In May 2008, Indiana experienced one of its highest turnouts ever for a Primary Election. Turnout increased from 21 percent in the 2004 Primary to around 40 percent for the 2008 Primary. 76 percent of the participants took part in the Democratic Presidential Primary - up from just 40 percent who voted in the Democratic Presidential Primary in 2004.

In November 2008, Indiana once again experienced very high turnout. Turnout increased by over 300,000 voters when compared to the 2004 general election. Additionally, for the first time since 1964, the Democratic Presidential candidate won Indiana's electoral votes. Over the course of 2008, there were well over 345,000 newly registered voters and over 800,000 new or updated registration records.

Training, Education, and Outreach for Voters and Election Administrators:

Traditional Advertising

Education and outreach efforts have been a key deliverable of the Indiana Secretary of State's Office since the distribution of HAVA funding prior to the 2004 election.

Over the last three years, the office has administered media buys totaling over $1.6 million in 2006, $95,000 in 2007 (municipal election year) and $650,000 in 2008. This advertising includes Print, Radio, TV and Transit advertising. Using transit advertising on buses in all transit markets in the state enabled systematic coverage of non-drivers, in addition to traditional mediums.

These federal and state dollars were used to develop and air six different Public Service Announcements covering information on Photo ID, Accessibility, Voter Registration and General Information and Resources.

Funding earmarked for advertising was divided according to two goals: (1) to reach the maximum number of voting age adults and (2) to provide coverage to each of Indiana's 92 counties enabling the office to not only reach our population centers, but also the more rural areas of the state.

Outreach Publications

The HAVA team has developed partnerships and distributed newsletter and voter information publications through a variety of government agencies, corporations and non-profit organizations, including, but not limited to Saint Vincent Health, Emmis Communications, Clarian Health, Family and Social Services Agency, Department of Workforce Development, the Indiana Department of Veterans Affairs, Indiana Protection and Advocacy Services, the League of Women Voters, and the Association of County Libraries. Through the 2008 corporate and non-profit outreach initiative, the office partnered with more than 100 organizations to reach more than 300,000 Indiana employees.

Additionally, HAVA produces publications to educate voters, election administrators, and poll workers. These publications, all including information on photo ID requirements, totaled more than $90,000 for the 2006 election year, $45,000 for the 2007 election year and $85,000 for 2008. This information is distributed free of charge and includes:

- **Education publications; Indiana Voter Information Guide (English and Spanish), 5 Things You Need to Know on Election Day Postcard, Military/Overseas Voters Guide, voting system operation and use DVDs.**

- **Poll Worker Publications; Election Day Handbook, Poll Worker Information Guide, Donate for Democracy Brochure, Voting for your Future Brochure, Election Day Live Administrators Packet, voting system operation and use and poll worker training DVDs.**

- **Election Administration Publications, Election Day Handbook, Poll Worker Training and voting system operation and use DVDs, Voter's Bill of Rights (English and Spanish), Photo ID Chute Posters (English and Spanish).**

Section 13

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

(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.

Process

The Vote Indiana Team is comprised of 30 diverse Hoosiers who are all stakeholders in the election process and who bring ethnic, geographic and tri-partisan political diversity to the planning process.

To prepare the original version of the Plan, tasks were assigned to one of five subgroups: Accessibility, Election Administration, Statewide Voter File, Training and Education, and Voting Equipment. Members served on two subgroups. Members were assigned to two subgroups, one per member's choice and one per chair's discretion to ensure balanced discussions. Members met over a six-month period including twenty-four subgroup meetings, which each lasted 1.5 hours, and five full team meetings. Meetings were held in accordance with Indiana's Open Door Law (I.C 5-14-1.5). Procedures on setting meeting agendas and handling deadlock were established at the first meeting. *Testimony and public comment were specifically sought at each meeting.* Meeting notes were kept of each meeting and made immediately available on the Indiana Secretary of State's website: www.sos.IN.gov. Materials were also available to the public by mail and electronic distribution. On the Secretary of State's website, a listserv permitted any individual with access to the internet to register as a member of the listserv and register any comments regarding the plan.

Letters were sent to each of the Clerks of Circuit Court and to county voter registration officials as local stakeholders advising them of the work of the Team and process involved for developing the state plan. In April, a draft state plan was developed in accordance with discussions from the subgroups, current legislation and ideas where gaps existed. The draft plan was distributed to the full Team for review at their April 11, 2003 meeting. Areas of concern were returned to the respective subgroup in order to reach a consensus. The subgroup's decisions were incorporated into the second draft that was also reviewed by the full Team prior to release for public comment.

The Vote Indiana Team met on May 30, 2003 to review subgroup suggestions and to discuss additional suggestions and comments from the entire group and from members of the public. At

Comments were sent to the chair of the Vote Indiana Team in writing at the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or were emailed to VoteIndianaTeam@sos.state.in.us. Public comment on the Preliminary State Plan was also left at 317-234-VOTE or by contacting the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments were also faxed to 317-233-3283.

All comments were distributed to all team members upon receipt. The team considered all public comment at the final VIT meeting and adopted the 2003 Indiana State HAVA Plan.

The Vote Indiana Team was reconvened on June 23, 2005 to begin the process of amending the current Plan.

The Secretary of State submitted the proposed changes to the Plan for public comment on July 19, 2005.

Comments were sent to the chair of the Vote Indiana Team in writing at the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or were emailed to VoteIndianaTeam@sos.state.in.us. Public comment on the Preliminary State Plan was also left at 317-234-VOTE or by contacting the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments were also faxed to 317-233-3283.

Current Composition of the Vote Indiana Team

Todd Rokita, Chair
Indiana Secretary of State

Rep. Kreg Battles
Indiana House of Representatives

Tonee Bell
African-American community representative

David Bottorff
Association of Indiana Counties

Amos Brown
African-American community and media representative

Dee Ann Hart
Disabilities community representative

Eric Holcomb
Office of the Governor

Kathy Hopf
Dubois Circuit Court Clerk

J. Bradley King
Co-Director, Indiana Election Division

Sen. Sue Landske
Indiana Senate

Sally LaSota
Lake County Election Board Administrator

Sen. Frank Mrvan
Indiana Senate

Kevin Ober
Indiana Republican Party representative

Linda Phillips
Tippecanoe Circuit Court Clerk

Pamela Potesta
Co-Director, Indiana Election Division

Rep. Kathy Richardson
Indiana House of Representatives

John Rudisill
Spencer County Elections Director

Evan Shearin (US Navy, Reserve)
Military representative

Tony Santana
Hispanic community representative

Kaylee Showers
Student representative

John Sorensen
Labor representative

Chris Spangle
Indiana Libertarian Party representative

Cindy Spence
Hendricks Circuit Court Clerk

~~Jennifer Wagner~~ Thomas Cook
Indiana Democratic Party representative

Beth White
Marion County Circuit Court Clerk

Facilitator: Joseph McLain, HAVA Administrator, Indiana Secretary of State's Office

Former Members: Christa Atkins, Libertarian Party representative; Tami Barreto, League of Women Voters; Sen. Billie Breaux, Indiana Senate; Rep. Dick Dodge, Frmr. Steuben County Commissioner and Association of Indiana Counties representative; Daniel Drexler, Libertarian Party representative; Pam Finlayson, Allen County Election Administrator; Linda Grass, Frmr Circuit Court Clerk; Bill Haan, Indiana Association of County Commissioners; Regina Harris, IVRA; Laura Herzog, IVRA; Suellen Jackson-Boner, GPCPWD; Gen. Michael Kiefer, military representative; Jon Laramore, Office of the Governor; Sen. Connie Lawson, Indiana Senate; Ed Mahern, Indiana House; Zach Main, Republican Party representative; Luke Messer, Republican Party representative; Martha Padish, frmr. Vermillion County Clerk; Issac Randolph, frmr Marion County CCC; Kristi Robertson, frmr IED Co-Director; Col. Joe Ryan, military representative; Doris Ann Sadler, frmr. Marion County Clerk; Anita Samuel, Governor's office; Lt. Governor Becky Skillman, Indiana Senate; Joe Slash, African-American community; **Jennifer Wagner, Democratic Party representative;** Harriet Wilkins, League of Women Voters, and Patricia Wilson, labor and Hispanic community.

This plan is respectfully submitted to the Election Assistance Commission, in accordance with Public Law 107-252, **this 18th day of September, 2009**.

Todd Rokita
Indiana Secretary of State

Additional Recommendations for Election Reform

Presidential Primaries

Before the 2008 Democratic Presidential Primary Contest, there were few recent instances where Indiana's primary schedule made a difference in the selection of a major party candidate for nomination to the Office of President of the United States. In 2008, both voter turnout and the number of votes cast were much higher than they had been for a Primary in generations. Indiana shared a national stage with few other states and for the first time in decades, helped chose a major party candidate for the November ballot.

At the time, several proposals were discussed among the public that would permanently make Indiana voters more involved in choosing national major party candidates. Among them, moving the Presidential Primary to an earlier date permanently, and supporting the National Association of Secretaries of State's (NASS) model legislation for a rotating regional primary (which would allow all states to have an early primary every 16 years).

The Vote Indiana Team recommends to the Indiana General Assembly or Legislative Council that the issue of moving to an earlier date of the presidential primary is worth studying during the 2009 interim with the goal that the summer study committee would send proposal(s) for the General Assembly to consider during the next legislative session.

Vote Centers

In 2006, the General Assembly passed a law that permitted the Indiana Secretary of State to select up to three counties to serve as pilots for the vote centers model of election administration. The pilot elections would be held during the 2007 Primary and Municipal elections. After successful tests in both Tippecanoe and Wayne counties in 2007, the General Assembly extended the pilot program to include the elections in 2008 and 2010, and permitted the addition of another county, Cass. All three county's vote centers' performed well during the historic 2008 Primary and General election cycles. Prior to their selection, each county was required to submit a Plan containing their proposal on the administration and operation of a vote centers election. Unanimous bi-partisan support among the county election board was also required before a county could submit an application.

An independent academic study conducted by Ball State University's Bowen Center for Public Affairs and eGov Partners, Inc. on behalf of the Pew Charitable Foundation and JEHT Foundation as part of their joint initiative "Make Voting Work", analyzed the vote centers pilots in Indiana and concluded:

"This evaluation of the installation and operations of Indiana Vote Centers over two election years has addressed two major assertions regarding Vote Centers: 1) by making voting more convenient Vote Centers will increase voter turnout, and 2) by consolidating precincts into Vote Centers, substantial cost savings will be realized in election administration.

Our findings show that, overall, the existence of Vote Centers, in and of themselves, do not increase voter turnout. Other factors, such as highly competitive electoral contests and well-financed and organized get-out-the-vote operations have much more to do with attracting more people to the polls. However, a major advantage of Vote Centers was uncovered when we examined early voting. By permitting registered voters to vote early at any Vote Center site—and by locating the early voting sites at high traffic areas such as grocery stores and shopping malls—a significant number of registered voters will take advantage and vote early. This surge in early voting reduces the pressure on polling sites on Election Day.

The data on the costs of holding elections clearly show that Vote Centers save money. Every jurisdiction, on a cost-per-vote basis, showed substantial savings over traditional precincts. The bulk of the savings are attributed to direct labor costs.

Finally, to assist election administrators who are considering adopting Vote Centers to replace traditional precinct-based voting, elements of a model are specified. The model is based on the Indiana experience and is designed to provide an overview as well as a roadmap for executing Vote Centers across America."

The Team encourages the Indiana General Assembly to make Vote Centers an option available to all counties. The Team further recommends the option of "no-fault" absentee voting (no reason is needed to vote absentee by mail) for those counties that use Vote Centers.

Absentee Voting Period

Currently, Indiana law prescribes that the in-office absentee voting period starts on the same day the voter registration period closes (29 days before the election). Election administrators across the state face hundreds and sometimes thousands of last-minute registration applications filed the same day many voters wish to begin voting absentee. The dual priorities tend to make processing new applications and requests for absentee voting difficult.

The Team recommends to the Indiana General Assembly that the in-office absentee voting period be shortened by one (1) day, from 29 to 28 days before the election.

Referenda Elections

The Team supports EHB 1447 (2009), as written on April 3, 2009, in regard to the funding of local government referenda during off-election years.

Appendix 3

HAVA Proposed FY2010-11 Budget

PROJECT	ITEM		AMOUNT
Revenue	HAVA REVENUE		
	2008 Federal Appropriation		$ 2,378,803.00
	2009 Federal Appropriation		$ 2,068,525.00
	2008 State Match		$ 125,200.00
	2009 State Match		$ 108,870.00
	Section 101 (Super Responsible Allocation)		$ 2,000,000.00
		SUB-TOTAL	$ 6,681,398.00
	STATE REVENUE*		
	FY2008 Encumbered Funds		$ 217,000.00
	FY2009 Encumbered Funds		$ 200,000.00
	FY2010 Budget Appropriation		$ 403,630.00
	FY2011 Budget Appropriation		$ 512,500.00
		SUB-TOTAL	$ 1,333,130.00
		TOTAL	$ 8,014,528.00
* Funds allocated for SVRS maintenance and operation.			
** Total appropriation was $512,000.00. However, the budget directs $108,870.00 to be used as the 2009 State Match.			
SVRS	Application Hosting		$ 864,000.00
	Network Connectivity		$ 784,320.00
	Software Licenses, Maintenance, Support		$ 780,000.00
	Program & Project Management		$ 1,320,000.00
	Help Desk Support		$ 660,000.00
	Application Changes		$ 525,000.00
	Training		$ 240,000.00
		SUB-TOTAL	$ 5,173,320.00
	Less State Revenue		($1,333,130.00)
	TOTAL FUNDING NEEDED		$ 3,840,190.00
Super Responsible Counties*	Boone (forfeited)		$ 72,867.00
	Dearborn		$ 74,418.24
	Floyd		$ 93,022.80
	Fulton		$ 26,356.46
	Grant		$ 102,325.08
	Hamilton		$ 262,014.22
	Harrison		$ 54,263.30
	Hendricks		$ 72,500.00
	LaGrange		$ 24,806.08
	Lake		$ 400,000.00
	Marshall		$ 43,140.64
	Montgomery		$ 41,860.26
	Owen		$ 29,457.22
	Ripley		$ 41,860.26
Super	Scott		$ 62,015.20

	Spencer		$ 37,209.12
	Steuben		$ 29,457.22
	Switzerland		$ 18,604.56
		TOTAL FUNDING NEEDED	**$ 1,486,448.52**
Online Voter Registration	Application Development		$ 150,000.00
	Public Awareness Campaign		$ 125,000.00
		TOTAL FUNDING NEEDED	**$ 275,000.00**
HAVA Administration	**Staff**		
	Salaries		$ 225,000.00
	Intern Stipend		$ 7,000.00
		SUB-TOTAL	**$ 232,000.00**
	Administrative Expenses		
	Phones		$ 2,400.00
	Office Supplies		$ 800.00
	Copiers		$ 2,000.00
	Mail/Shipping		$ 2,800.00
		SUB-TOTAL	**$ 8,000.00**
		TOTAL FUNDING NEEDED	**$ 240,000.00**
Grievance Procedure	Administrative Law Judge		$ 50,000.00
		TOTAL FUNDING NEEDED	**$ 50,000.00**
Poll Worker Training	**Train-the-Trainer**		
	Primary Election		$ 200.00
	General Election		$ 200.00
		SUB-TOTAL	**$ 400.00**
	Publications		
	Election Day Handbook		$ 25,500.00
	Poll Worker Training Video		$ 750.00
	Voter's Bill Of Rights		$ 2,700.00
	Voter's Bill Of Rights (Spanish)		$ 2,150.00
	Photo ID Chute Poster		$ 950.00
	Photo ID Chute Poster (Spanish)		$ 465.00
	Poll Worker Information Guide		$ 4,000.00
	Donate for Democracy		$ 2,600.00
	Election Day Live!		$ 7,250.00
		SUB-TOTAL	**$ 46,765.00**
		TOTAL FUNDING NEEDED	**$ 47,165.00**
Voter Education	**HAVA Outreach Events**		
	Registration Fees		$ 12,000.00
	Travel		$ 7,500.00
		SUB-TOTAL	**$ 19,500.00**
	Online Candidate Guide		
	Primary Election		$ 25,000.00
	General Election		$ 25,000.00
		SUB-TOTAL	**$ 50,000.00**
	Publications		
	Indiana Voter Information Guide		$ 20,625.00

Voter Education (cont.)	Indiana Voter Information Guide (Spanish)		$ 16,250.00
	5 Things You Need to Know...Postcard		$ 12,375.00
	Voter Information Magnet		$ 5,000.00
	Military/OS Voter's Guide		$ 8,000.00
	Forms Design		$ 5,000.00
		SUB-TOTAL	**$ 67,250.00**
	Outreach Mailings		
	Libraries		$ 500.00
	Long-Term Care Facilities		$ 500.00
	Churches		$ 4,000.00
		SUB-TOTAL	**$ 5,000.00**
	Public Service Announcements (Updates)		
	Production		$ 2,000.00
	Hosting		$ 2,250.00
		SUB-TOTAL	**$ 4,250.00**
	Photo ID Awareness		
	TV, Radio, Print (Primary Election)		$ 60,000.00
	Public Transportation Ads (Primary Election)		$ 35,000.00
	TV, Radio, Print (General Election)		$ 125,000.00
	Public Transportation Ads (General Election)		$ 40,000.00
		SUB-TOTAL	**$ 260,000.00**
	Voter Registration Deadline		
	TV, Radio, Print (Primary Election)		$ 45,000.00
	TV, Radio, Print (General Election)		$ 75,000.00
		SUB-TOTAL	**$ 120,000.00**
	General Election Information		
	TV, Radio, Print (Primary Election)		$ 45,000.00
	TV, Radio, Print (General Election)		$ 75,000.00
		SUB-TOTAL	**$ 120,000.00**
	TOTAL FUNDING NEEDED		**$ 646,000.00**
Strategic Reserve	**Reserve**		$ 96,594.00
		TOTAL	**$ 96,594.00**

* Super responsible county budget is subject to provisions set forth on page 29 of the Plan.

[FR Doc. E9–24538 Filed 10–13–09; 8:45 am]
BILLING CODE 6820–KF–C

DEPARTMENT OF ENERGY

Adjusted Indemnification Amount

AGENCY: Department of Energy.

ACTION: Notice of adjusted indemnification amount.

SUMMARY: The Department of Energy (DOE) is announcing the adjusted amount of indemnification provided under subsection 170d. of the Atomic Energy Act of 1954 (AEA), 42 U.S.C. 2210d., commonly known as the Price-Anderson Act, consistent with section 607 of the Energy Policy Act of 2005, Public Law 109–58 (EPAct 2005). Section 607 (''Inflation Adjustment'') of EPAct 2005 amended subsection 170t. of the AEA by requiring the adjustment of the indemnification amount not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index (CPI) since that date. This notice announces $11.961 billion as the inflation-adjusted amount based on the aggregate percentage change in the CPI during the initial 5-year period.

DATES: This action is effective October 14, 2009.

FOR FURTHER INFORMATION CONTACT: John S. Boulden III, Acting Director (HS–40), Office of Enforcement, Office of Health, Safety and Security, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874, (301) 903–2178; or Sophia Angelini, Attorney Advisor (GC–52), Office of the General Counsel, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586–6975.

SUPPLEMENTARY INFORMATION:

The Price-Anderson Act, section 170 of the AEA (42 U.S.C. 2210), establishes a system of financial protection for persons who may be liable for and persons who may be injured by a ''nuclear incident,'' as defined at section 11q. of the AEA (42 U.S.C. 2014q.). The Price-Anderson Act is administered by DOE with respect to the nuclear activities of DOE contractors acting on its behalf. Subsection 170d. provides that the Secretary of Energy shall enter into agreements of indemnification with any person who may conduct activities under a contract with DOE that involve the risk of public liability and that are not subject to the financial protection requirements of the Nuclear Regulatory Commission. DOE's Price-Anderson Act indemnification contract provisions are codified in the Department of Energy Acquisition Regulation (DEAR), which sets forth a standard nuclear indemnification clause, the Nuclear Hazard Indemnity Agreement at 48 CFR 952.250–70, that is incorporated into all DOE contracts and subcontracts involving source, special nuclear, or by-product material.

The Price-Anderson Amendments Act of 2005 (PAAA 2005), enacted as part of EPAct 2005, sections 601 through 610, altered the indemnity provisions in several ways. Specifically, the PAAA 2005 altered the amount of the indemnification by: (1) Specifying $10 billion as the amount of the indemnification for nuclear incidents within the United States resulting from contractual activities on behalf of DOE (section 604); (2) directing the adjustment of this indemnification amount not less than once during each five-year period in accordance with the aggregate percentage change in the CPI (section 607); and (3) increasing the indemnification amount for nuclear incidents outside the United States from $100 million to $500 million (section 605).

With regard to the inflation adjustment for indemnification, the AEA subsection 170t. was amended by adding a new provision requiring the adjustment of ''the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index since—(A) that date, in the case of the first adjustment under this paragraph; or (B) the previous adjustment under this paragraph.'' Under the AEA subsection 170t.(3), the term ''Consumer Price Index'' is defined to mean the CPI for all urban consumers published by the Secretary of Labor. The CPI in July 2003 was 183.9. In July 2008, the CPI was 219.964. This represents an increase of approximately 19.61%. Application of this increase to the initial $10 billion DOE indemnification amount results in an inflation-adjusted indemnification amount of $11.961 billion.

The inflation adjustment under AEA subsection 170t. applies only to a nuclear incident within the United States. Accordingly, the indemnification amount for a nuclear incident outside the United States continues to be $500 million.

The next inflation adjustment will be based on the incremental change in the CPI between July 1, 2008 and the date of the adjustment, which will be no later than July 1, 2013.

This notice of indemnification inflation adjustment is a ''rule'' as defined in the Administrative Procedure Act (APA) (5 U.S.C. 551(4)). However, the APA (5 USC 553(b)(B)) does not require an agency to use the public notice and comment process ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' In this instance, DOE has concluded that solicitation of public comment is unnecessary. Congress has required DOE to adjust the amount of indemnification provided under an agreement of indemnification under section 170d. to reflect inflation in the initial and each subsequent 5-year period following July 1, 2003, and provided no discretion regarding the substance of the adjustment process. DOE is required only to perform a ministerial computation to determine the relevant inflation adjustment. On the same basis, DOE finds good cause, pursuant to 5 USC 553(d)(3) to waive the requirement for a 30-day delay in the effective date for this rule. As such, this rule is effective October 14, 2009.

DOE has determined that this notice of indemnification inflation adjustment is the type of action that does not individually or cumulatively have a significant impact on the human environment as set forth in DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, the rule is covered under the categorical exclusion in paragraph A6 of Appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings that are strictly procedural. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

Dated: Issued in Washington, DC, on September 22, 2009.

Steven Chu,

Secretary of Energy.

[FR Doc. E9–24718 Filed 10–13–09; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Guidance on Energy-Efficiency Enforcement Regulations

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice.

SUMMARY: This notice sets forth the Department of Energy's (DOE's) interpretation of its energy efficiency